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GRANDMA STEWART.

EIGHTY YEARS YOUNG,

JULY 15TH, 1910.

Eighty years of joy and sorrow,
Eighty years of woe and bliss,
Eighty years of cheerful traveling,
Through this world's strange wilderness.
Eighty years of upward climbing,
O'er a hard and dusty road,
Eighty years of burden-bearing,
And of sharing many a load.
Eighty years of faith and gladness,
Under dark and sun-lit skies,
Eighty years of cross-enduring,
Waiting for God's promised prize.
Eighty years with friends and neighbors,
Sharing of their hopes and fears,
Eighty years of brave endeavor,
Helping helpless, drying tears.
Eighty years, a long, long story,
Full of thrilling deeds of love,
Eighty years of preparation
For God's kingdom up above.

THE
GENEALOGY
OF THE
STEWARTS
REFUTED:

IN A
LETTER
TO
ANDREW STUART, Esq. M. P.

*Diffide, si quos indicat verbosior
Loquela.*

DESBIL. *Fab. Æsop.* lib. xv. 8.

EDINBURGH:
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G. G. & J. ROBINSON, LONDON.

1799.

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THE
GENEALOGY OF THE STEWARTS
REFUTED.

S I R,

IT was not until very lately, that the publication, you are pleased to call a “ GENEALOGICAL HISTORY OF THE STEWARTS,” fell into my hands. Struck with its comprehensive title, I was induced to bestow some attention on the work; and I accordingly found, as I indeed expected, that the investigations it involved were in no small degree laborious, and the novel claims, attempted to be set up, supported only by inconclusive proofs, and feeble arguments.

That you are the only person, acquainted with the subject, who seriously entertains a doubt respecting the lineage of the Earl of Galloway, I think I may pretty confidently assert; or who denies, that, after the surviving grandson of King James II., he actually represents the most ancient branch of the HOUSE OF STEWART. The desire,
indeed,

indeed, to deprive him of that honourable distinction, may be considered as extremely natural, since you claim it for yourself. But such pretensions must be maintained by proofs more solid and satisfactory, than any exhibited in your book, before they can overcome the scruples, or procure the assent, of an unbiassed reader.

It was, I think, so far back as the year 1794, that you thought proper first to broach this controversy. A printed STATE of the EVIDENCE, drawn up with much labour, then announced, to your friends, the design you had formed of claiming the right to be heir-male and representative of the Darnley and Lennox families, on the demise of the Cardinal de York. Some time after, a counter-state of proofs, distinguished by its ingenuity and acuteness, appeared on the part of the Earl of Galloway.

A comparative view of these documents was more than sufficient to decide the contest. The candid and judicious were soon satisfied: Nor is the opinion they then formed, in any wise dissimilar from that which they entertain at this moment. Here, in my judgment, genealogical controversy was in its *true* sphere. The papers, thus circulated, found their way to all either interested in the question, or inquisitive about the issue. Individual curiosity was gratified to the full; and the result of private judgment quickly seen, and as easily collected.

But the degree of notoriety which the views of either competitor soon acquired, was not able
to

to satisfy an ambition like yours. Anxious to display your pretensions to the world, you determined to bring them forth in a style far more conspicuous. A vast *Quarto* volume accordingly was prepared. The descent of the Darnley, Lennox, and Castlemilk families, was minutely authenticated, and traced back to the 12th century ; and the work was dignified with the imposing title of a “ Genealogical History of the Stewarts.” The competition with Lord Galloway, which, from the beginning, might have been comprized in the size of a nut-shell, was now diffused over many a page. Of your own plea the weaknesses were sedulously palliated, the inconsistencies reconciled, and its specious parts brought forward with an air of triumph. But, in this new shape, the main points of discussion dwindled into insignificance. They were, in fact, scarcely discernible, amidst the prodigious mass of deeds and charters, both public and private, that completely environed, and was ready to overlay them. Meanwhile, your lofty honours, whose summits were seen far and wide, dazzled the beholder, and delighted yourself : But their foundation was veiled, in a gloomy magnificence, from the prying eye.

What might have been your precise motives for such an exhibition, it is not easy to say. Nor shall I stop to inquire of how great moment it is to the public to learn, that you are “ heir male, “ and lineal representative, (after the Cardinal “ York), of the first Sir William Stewart of Ca-
“ stlemilk

“ stemmilk (A),” even had you succeeded in establishing that pretension. But, in an age when literature and science are so successfully, as well as universally, cultivated, it might have been seen, that genealogy was superseded by more useful objects, and that, as a popular topic, it was out of date (B). Whether it was, that you had discovered the opinion of a few men of sense and impartiality, who had actually examined your claims, or whether you hoped, that the pride of Lord Galloway would restrain him from a public conflict with an adversary he had already vanquished, I have not been able to learn. But it is certain, that, by this voluminous production, you have, with the ignorant, remained master of the field, in possession of the advantages and the triumph of success, although, beyond a doubt, without the laurels of victory.

I confess, Sir, that the show of superiority, so little merited, moved my indignation; and the feeling was warmed into activity by the request of a friend, connected with the Earl of Galloway, that I should draw up something in answer to the chief arguments contained in this formidable work, all tending to demonstrate that you were at
the

(A) *Genealogical History of the Stewarts*, p. 384, 385.

(B) The subject here hinted at will be afterwards resumed in a subsequent part of this letter. But here we may surely say to Mr Andrew Stuart, with at least as much justice as the Sibyl said to Æneas and his companions,

Non hoc ista sibi tempus spectacula poscit.

VIRG. *Æneid.* L. VI. 39.

the head of the House of Stewart. As matters now stood, he said, some public notice of them seemed indispensable. Silence already had been construed into an admission of their validity. In regard to Lord Galloway's rights, he observed, he considered them as fully established. But the printed state, which exhibited that evidence, was known only to a narrow circle ; while your Quarto volume, being published to the world, was already in the hands of many. Not that either this gentleman or myself weakly believed there had been any public demand, and consequently any rapid sale, for your book. Yet we were not ignorant of the method which was contrived to promote its diffusion ; a method, I own, equally new and irresistible. He who is at the sole expence of printing, is certainly entitled to the pleasure of gratuitously distributing his writings : And in both you had acted with such unequalled liberality, that, in a short time, none of your friends, and few of your acquaintances, whether north or south of the Tweed, were without so splendid a token of your remembrance (c).

The

(c) I am credibly informed, that the author of the Genealogical History of the Stewarts is so delighted with the diffusion of his book, that he begins already to talk of a *second edition* being called for by the *public*. Certainly the present is the age of wonders ; and there is no such thing as saying, *a priori*, that any event will *not* happen : But the phenomenon in question may pretty certainly be deferred *ad Græcas Kalendas*.

The task, Sir, thus imposed upon me, I freely acknowledge, I did not consider as Herculean. Of him who voluntarily undertakes a contest with the author of the Genealogical History of the Stewarts, it cannot be asserted, that he wages a war with a tremendous adversary.

It can scarcely be said of him,

Optat aprum, aut fulvum descendere monte leonem.

The fact was, I had cursorily acquired some ideas concerning the actual descent of the House of BONKILL; and a few weeks, which I meant to pass at the country-house of my friend, would be sufficient to compare them with your new-modelled system of genealogy. The present method, therefore, of gratifying him, as well as amusing myself, has, in consequence, been adopted.

As a new person, who is to figure in this controversy, it is true I may possess some advantage, in point of impartiality of judgment, over the actual competitors; yet, on that account, I fear, I stand not the less in need of a large share of allowance from the impartial reader. The debate on which we are to enter is in its nature private and personal. Its topics are various, and it must necessarily be drawn into considerable length (D). From such discussions, egotism and pertinaciousness are not easily separable, and, in most cases, they are apt to become predominant features. Should these imperfections too frequently appear
in

(D) , *Longa est injuria, longæ
Ambages.*

in the present Letter, I fairly throw myself upon the reader's indulgence and candour. But I appeal to his justice, on the part of Lord Galloway, that that nobleman is in nowise answerable for obtruding the contest on the public.

Do not, however, imagine, Sir, that, in thus endeavouring to propitiate the reader, I expect that many persons will honour me with the perusal of these pages. My desires, as well as expectations, on that head, are abundantly moderate. Messrs Cadell and Davies, your booksellers, will give me credit for the justice of the assertion, when I say, that I cheerfully limit them to the number of those who have purchased, or at least who have perused, your book. It is a truth, which it is salutary, although it may not be gratifying to you to learn, that such subjects, as are treated in that work, have long since fallen into a deplorable neglect. They have, indeed, shared the common fate of most opinions, once distinguished by the partiality of men. Their present depression is in a due proportion to the former height of their favour and popularity. The truth is, the causes which have combined to produce the change, lie too deep to be eradicated by any stretch of power, or any institution of policy. Treat, therefore, such topics as you will, to engage attention is a vain attempt. Even the force of genius itself could do little, when opposed to habit and opinion; and success, I suspect, were alike hopeless, could we command the method of Aristotle, the

eloquence of Cicero, or the wit and excentricity of Lucian.

Probably, Sir, you have already discovered, that you are addressed by a person, who is to speak of your pretensions, and your book, with little deference ; the first, because he deems them to be without foundation ; and the second, because, having committed yourself to the world in a *literary* character, you must allow, in others, the freedom and independence of literary criticism. The character, which the present writer is ambitious to maintain, of a gentleman and a scholar, will induce him to respect the laws of urbanity. On the subject of the competition between Lord Galloway and yourself, he will assume the privilege of treating it sometimes as serious, and sometimes as light, as may best suit his purpose : Nor will he promise, on every occasion, to compose the muscles of his countenance into the most perfect solemnity, because he happens to address a person, who lays claim to be heir-apparent, and representative, of the Cardinal de York.

In accomplishing the objects of this Letter, I purpose to divide it into THREE PARTS. The FIRST shall comprise a statement of the Competition between yourself and Lord Galloway. In that statement, I shall deliver a concise narrative of those historical facts, and collateral circumstances, which constitute the evidence in favour of the latter, but have not, as yet, been laid before the public : And these shall be followed up with a summary view of the conclusions obviously deducible from such evidence.

evidence. In the SECOND PART, I shall attempt a refutation of the principal Propositions on which you seem to rest your claims to be Representative of the House of Stewart (E); to which shall be added,

(E) I shall here take an opportunity of accounting for the various manner in which the name of Stewart is written in this letter. Surnames, according to the best accounts, were invented by the Normans, in the 12th century. About the beginning of the 13th, they were introduced into this island: and Walter, the 5th Lord High Steward of Scotland, who died *An.* 1241, was the first who settled the name of Stewart on his posterity. Being obviously derived from the office, Stewart is, beyond question, the most ancient, and most proper orthography. But different races, in process of time, have found it convenient to alter it, either in order to mark their particular descent, or to distinguish them from others of the same origin. Accordingly, we find, that Stewart, Steuart, and Stuart, have been common among numbers. The long and intimate connection between Scotland and France, appears to have given rise to the idea of discarding the *w* from the word, and writing it Stuart, instead of Stewart; as the French, who first set the example, are without the *w* in their alphabet. The practice, it is supposed, originated with Sir John Stewart of Darnley, soon after the memorable campaigns which he served in France, in the beginning of the 15th century: But it has been most generally, although improperly, applied to the royal family by historians. Queen Mary, from a natural partiality to the French manners, also contributed to bring this innovation into fashion; and during her reign, it was extremely prevalent. But King James VI. her son, condemned the alteration from the former orthography, by introducing, in several of his charters and letters patent, clauses tending to restore the latter. The rule seems to be, that
when

added, some farther authorities and arguments, tending to evince the fallacy of your system. The THIRD and last PART shall be dedicated to a few critical remarks on the Genealogical History of the Stewarts as a literary production, as well in regard to the matter and style, as the scope and utility of the volume. A Genealogical Sketch of the Descent of the House of Bonkill is subjoined to the whole, in order to elucidate the several reasonings.

PART FIRST.

BEFORE we enter, Sir, on what is proposed in the first division of the subject, it may not be improper to premise a few things, in order to bring the reader acquainted with the history of the competition, and the temper of the parties : And particularly, we shall endeavour to delineate the figure they have respectively made, during the course of this controversy.

It is an historical fact generally known, that the name of Stewart was communicated to the royal family, by the Lord High Stewards of Scotland.

Walter,

when the name in general is mentioned, it should certainly be Stewart ; the office Steward ; and, in the case of particular families, that method of orthography ought to be followed, which they themselves have been long in the habit of using.

Walter, the 8th who enjoyed that distinguished office, in the year 1315 married the Princess Marjory, heiress of the crown, and daughter of King Robert Bruce ; and their son, Robert II. became, in consequence, the first prince of the Stewart line.

Some little time before the period just now mentioned, the younger branches of this race had begun to flourish with uncommon vigour. Sir John Stewart de Bonkyll, brother to James, the 7th Lord High Steward, (paternal grandfather to Robert II.), had had a numerous progeny. No fewer than six of his seven sons leaving issue, they became the six great heads of families, from whom have proceeded the most numerous, as well as most ancient, races of the name now existing (F). Of the Earls of Angus, descended from the eldest brother, the line soon became extinct. Lord Darnley, sprung from the second, and representative of the Earls and Dukes of Lennox, united the line of Bonkill with that of the Lord High Steward's, in the middle of the 16th century, by his marriage with Queen Mary ; and the name and memory of this unfortunate prince are now feebly kept alive, in the person of the Cardinal de York. Hence it follows, that the male representation of the House of Stewart must, of course, be vested in the next branch of the Darnley and Lennox families, after the death of that foreign ecclesiastic.

By tracing back the generations to Sir John Stewart of Darnley, in the 14th and 15th centuries,

(F) See the Genealogical Sketch subjoined to this letter.

ries, it will appear, that Sir William Stewart of Jedworth and Castlemilk, his younger brother, had two sons; of whom, according to the best accounts, Sir John Stewart of Dalswinton, the progenitor of Lord Galloway, was the *elder*, and the *younger* Sir William Stewart of Castlemilk, the immediate ancestor of the STUARTS of CASTLEMILK in Lanerkshire. But the representation will necessarily devolve on him, who can shew, in the most satisfactory manner, that he is the heir-male of the above-mentioned Sir William Stewart of Jedworth.

The author of the “ Genealogical History of “ the Stewarts” certainly can boast of being the first person, who ever doubted or called in question, Lord Galloway’s pretensions. His right of descent from the eldest branch had been so universally acknowledged, so uniformly sanctioned by time and opinion, that, had it not been for the formal attack made in 1794, or at least the rumour that announced it, in all probability it never would have occurred to him, to substantiate his claims by a production of the legal evidence.

The reader, however, will perceive, by an attentive examination of what we have just now stated, that there is some specious ground for cavil. The circumstance of two persons, (Sir William Stewart the elder, and Sir William Stewart the younger, of Castlemilk), of the same name and family, bearing the same designation (G),

existing

(G) I must here, once for all, crave the indulgence of the accurate reader, for the use of some words and phrases, which,

existing nearly in the same period, and withal at the distance of 400 years, was sufficient to beget no small degree of confusion. Without the light of the clearest documents, it might have misled genealogists far less interested than the writer in question, to identify them with circumspection, and

which, strictly speaking, may be denominated *provincial*, and are not usually found in English writers. From the nature of the subject, this will not be deemed unreasonable; and, particularly, in describing, or arguing on charters, and other legal documents, Scottish expressions are not only admissible, but appropriate. The word *designation*, for example, and the verb *to design*, in the sense understood in the text, are scarcely English; although the latter seems to be used participially by Mr Locke. (See Johnson's Dict. voc. *to design*). The fact is, there is no single English verb, which conveys the idea of describing a man by "the title of his estate;" and, in the present discussion, the necessity for this so very frequently occurs, that the use of a periphrasis would have been to a degree irksome and embarrassing. Indeed, there seems to be so visible an awkwardness in the noun *addition*, which is accurately English, in the same sense that *designation* has been here taken, that both the provincial noun and verb, in my opinion, deserve to be brought into classical use.

There are a few more words and phrases, for which, on one or other of the above grounds, I would request indulgence; such as, *to dispoise*; *a disposition*; *a march*; *a minute*; *a superior* (of lands); *a barony*; *whom failing*, &c. In general, as they occur, they are marked with an asterisk, *. As to such expressions as the following, *to notice*, *to adduce evidence*, &c. although originally Scotch, they seem now sufficiently naturalized by the practice of good writers,

and discriminate between their transactions with an impartial accuracy.

By his own confession it seems evident, that, until very lately, this author joined with the rest of the world in the belief, that Lord Galloway actually stood at the head of the name (H). But wonderful are the different views, which, in different circumstances, will be taken of the same object. The doubtful expressions of genealogists, we shall suppose, might at first inspire a *hope*, that the two Sir William Stewarts could be proved to be *one and the same person*; and the obscurity of some ancient documents might as naturally confirm it. The obvious consequences that flowed from such a supposition, would instantly excite ideas every way gratifying to human vanity. Vanity, in its turn, which has labour at its beck, would straightway rouse the invincible powers of ardour and perseverance. And, by the union of these, facts might be produced to support, and reasonings to defend, a system, such as the author himself, when it first dawned on his mind, would contemplate with delight, while he certainly regarded it as most wild and impracticable.

Conceiving, as we do, the perfect *possibility* (we shall not say the actual existence) of such a process physical and intellectual, what wonder can it occasion, that the *second* Sir William Stewart is now declared to be *the brother, not the nephew*,
of

(H) See Genealogical History of the Stewarts, Pref. p. 8, 9.

of Sir John Stewart of Darnley, and, by consequence, the genealogist himself the true representative of the House of Stewart? In regard to Sir William Stewart of Jedworth, (Lord Galloway's unquestionable ancestor), what can he be considered, in such a view, but as fairly *belonging to some other race*, at all events, *not the race of Darnley*?—a spurious interloper, whom an easy acquiescence had already too long permitted to continue in the possession of another's honours (1).

The fact is, what a man wishes he readily believes: and it is no less certain, that what he once believes he will oftentimes maintain, in the face of reason and probability. It is the nature of controversy to produce on men, even of the gravest character, very extraordinary effects. It inflames passion; it fosters prejudice; it subdues, or wheedles reason; and even obscures the clearest objects to the mental eye. Under such impressions, possibility is too apt to be mistaken for fact; suppositions pass for solid arguments. That which, at first, was viewed only as a transient hope, a distant probability, soon assumes the semblance of certainty and truth. To the heated disputant the real hue and dimensions of objects being thus disguised or obliterated, he readily embraces any theory suggested by a favourite passion,

C

sion,

(1) See Genealogical History of the Stewarts, p. 315—322, where a view of the competition between himself and Lord Galloway is regularly given by the author: But the arguments on one side only are stated.

sion, and dresses it in the colours of his misguided fancy.

Were we to name the motive, which appears chiefly to have operated on the understanding of the present competitor, we should say it was ambition. But that, if it be a vice, is, at least, the vice of noble minds; and, in the judgment of a philosophic historian, is ranked as a passion very nearly allied to virtue (κ). The extraordinary efforts of industry and perseverance, displayed by this writer, first in the compilation of his precursive evidence, and afterwards of a *Quarto volume on Genealogy*, must doubtless have been supported by no common incentives. Nothing less than the bright object of being heir-apparent and representative of the Cardinal de York, can easily account for the phenomenon. Whoever takes the trouble to compare the preface, with the very circumstantial summary, printed in Italics, at the close of the volume (L), will be convinced, that the object in question first fired his ambition, and that the same great idea all along animated his diligence, and sweetened his labours.

Of

(κ) Sallust, in delineating ambition and avarice, the two great vices that assailed the city of Rome, and soon wrought the downfall of the manners, speaks of the former as by the far more noble and generous passion: *Sed primò magis ambitio, quam avaritia, animos hominum exercebat: quod tamen vitium propius virtutem erat, &c.* Bell. Catilin. c. 11.

(L) Genealog. Hist. of the Stewarts, p. 384, 385.

Of the precise period, when this interesting prospect first opened on his mind, we are not informed. If chronological curiosity, however, may indulge a conjecture, from the simple and truly “unvarnished tale” he has told of himself and his fair friend in the preface (M), his inquiries were commenced soon after the year 1787; the time when the memorable and important “bundle of papers” were received from the hands of that very amiable, accomplished, and active directress of his undertaking. In these dark and doubtful regions, this seemed, in effect, to have been the

..... Donum
Fatalis virgæ, longo post tempore visum (N).

Nor

(M) Genealog. Hist. of the Stewarts, in pref. p. 7—11.

(N) Virg. Æneid. Lib. vi. 408. The memorable “bundle of papers” contained the charter by the Earl of Douglas, to John de Park, in the beginning of the 15th century, (so well known in the sequel), which, as it appears, was among the first things that gave rise to the genealogical researches of our author, and may surely, therefore, be considered, with far better reason, as deserving of the expressive epithet of *fatalis*, than the golden branch of Virgil. Nor will the *longo post tempore visum* seem less appropriate to the discerning reader, when he is informed, that this celebrated charter, after having been, in all likelihood, abstracted from Lord Galloway’s charter-chest, near a century ago, passed through various hands; till it was thus accidentally brought to light at last, and usefully employed in the service of its original owner. See p. 65. of this Letter, note (L).

Nor did the genealogical hero, thus gifted, deem himself less secure, than was the Trojan prince, under the safe-conduct of the Sibyl. The scattered rays of archæologic light, which with much industry he struck out, and laboured to concentrate to one point, served only to display the numerous obstacles on all sides rising up to obstruct his progress. But, where is the glory, (as more than one poet has observed), if you dismiss the difficulty, in the greatest enterprizes (o)? If some stubborn facts could only be subdued; if some refractory generations could be reduced to greater congruity of arrangement, and greater credibility of connection, there was little doubt of the successful accomplishment of his wishes.

Few things, it is said, are impossible to diligence and ability. To the author of the “Genealogical History of the Stewarts,” candour never denied the former; and the latter has been claimed for him, by the partiality of his admirers.

A journey to the Continent was next projected. This, besides the prospect of material information, would tend to give efficacy and importance

(o) *Otez la difficulté, et vous otez la gloire,*

said Voltaire, in speaking on this subject. But a much greater poet, three and twenty hundred years ago, expressed a similar sentiment, and in terms more characteristically suitable to the present occasion :

Αποστειλταν ὁ γένων ἔξυπταί μανίαι.

Pindar. Nem. Od. xi.

ance to the design. He now “ felt it a *species of*
 “ *sacred duty on him* to collect, from the most au-
 “ thentic sources, the materials for furnishing to
 “ the world a true and accurate Genealogical Hi-
 “ story of the Derneley and Lennox families (P);”
 being persuaded, (as we also sincerely are), that
 if not executed by *himself*, “ nothing of the same
 “ kind ever would be undertaken by any other
 “ person (Q).”

Accordingly, for the object of the great Quarto volume a diligent investigation was set on foot, in the Scotch College, and the *Chambre des Comptes*, at Paris. The records of the Vatican, and the office of the *Dataria* at Rome, furnished each some notices of the name of Stewart. At home, likewise, a profusion of materials was amassed, from every corner of the island; from the public repositories, as well as the charter-chests of individuals, (not forgetting the charter-chest of Lord Galloway); from the Tower of London, the Register-Office at Edinburgh, the University of Cambridge, and the British Museum.

When I reflect, Sir, on the prodigious fund of research and depth of erudition, that may be contained in the compass of a Quarto volume, I will acknowledge, that this method of convincing the world of the justice of your claims, was at least distinguished by some address. Every one knows
 how

(P) *Genealog. Hist. of the Stewarts*, p. 294, 295.

(Q) *Id. pref.* p. 12.

how few there are, who attempt to read a *genealogical book*. If we except the inconsiderable number of those who can be interested in the subject, scarcely any man, how ardent soever his curiosity, is found to do more' than peruse the title, or perhaps glance at the preface. Yet many, who cannot be persuaded to read, will notwithstanding submit to be astonished. They will give credit to the author for vast labour and learning (R); and even, without hesitation, take it upon his word, that he is heir-apparent and representative of the Cardinal de York.

But the admiration of those persons may somewhat diminish, when they learn, that this volume is composed of a great proportion of matter, which, if not extraneous, is at least collateral and irrelevant, to the object of the competition. The main point to be proved, the descent of the competitor from the first Sir William Stewart, seems, from the manner it is treated, to be industriously kept from the view, and is, in fact, buried, and (as we have before hinted) nearly *overlaid*, with a most disproportionate weight of deeds and charters. It is true, in the minute deduction of the previous generations, you have made some points clearer, that were clear before: Yet, by purposefully enlarging your ground, you have declined the conflict

(R) *Illum pro literato plerique laudandum duxerunt, quum ille nœnits quibusdam anilibus occupatus, inter ludicra literarum consensceret.*

Jul. Capitolin. in Vit. Alb. ad Const. Aug.

conflict of closer argument ; thus artfully endeavouring to divert our attention from the defective evidence of your own descent from Sir William Stewart.

Since the publication of these arguments, no reply has appeared, on the part of the Earl of Galloway ; and the writer, as it is said, pleases himself with the fancy that none, on that account, *can* be made. As in common altercations, so it often happens in literary quarrels. The longest and the loudest speaker in the former, sometimes bears away the prize from the sounder disputant. He, who is suffered to have the *last word*, is too apt to misinterpret the silence, into the unquestionable conviction, and overthrow of his adversary.

Let us now, Sir, turn to the Earl of Galloway, and see if we can discover, in his conduct, or his state of evidence, greater simplicity of procedure, or greater strength of reasoning.

It is, I believe, more than three years, since this nobleman, alarmed with the rumour, and prompted by the activity of your investigations, thought it full time to direct a search, more diligent than heretofore, to be made into the archives of his family. His cause, notwithstanding the state of evidence you had then published, he did not think quite desperate ; and Mr Williams, the gentleman who drew up the counter state of proofs, we have already mentioned (s), was now employed to take
the

(s) See p. 4.

the field, with every reinforcement of evidence and argument. With good reason believing himself, after the Italian Cardinal, to be the male-representative of the House of Stewart, Lord Galloway found, that the progression of his titles* was far from being defective ; although several documents, which, it is abundantly clear, existed in the commencement of the present century, seemed now unfortunately to be mislaid (1). The extreme liberality, if not the imprudence, of his predecessors, had permitted to Symson, Crawford, and other antiquaries, not only to examine, but even carry away, what papers they pleased, from the family charter-chest ; and not a few of these they unwarrantably neglected to return. Hence, many proofs of the lineage of the Earls of Galloway, that appeared satisfactory to them, are now lost or inaccessible.

Of the search thus begun, the success, however, was important and considerable ; both when we allow for the distance of nearly five hundred years, and for the state of a country less polished by arts, than perhaps any other in Europe ; whose restless inhabitants, if not engaged in foreign war, were generally distracted by domestic hostilities. The result of the whole was stated, with great diligence

(1) See View of the Evidence for the Earl of Galloway, p. 25. The patent, by King James VI. by which Sir Alexander Stewart was created Lord Garlies, *an.* 1607, may be properly appealed to, as a confirmation of this sentiment. In the grant, the origin of the family is clearly traced to the House of Lennox, as a fact then well known and established. See the patent in Appendix, No I.

gence, by Mr Williams, and exhibited a body of evidence not more remarkable for its perspicuity, than the keen acuteness with which it was drawn up. Here was no Quarto volume to astonish the public. A moderate pamphlet, even without the formality of a title page to introduce it, was circulated among the friends of the Noble Earl, or among others, who might be considered as interested in the contest.

In laying before the reader the substance of this accurate memoir, as far as it regards the present competition, I shall adopt a method different from that usually followed by genealogists. Taking advantage of the interest and animation of a personal address, I shall, for the most part, decline the irksome practice, of loading the narrative with a specification of the proofs on which it rests. The continuity of the former shall be preserved entire, while the latter is exhibited at the bottom of the page. In this manner, the general reader (if any such may peruse these sheets) will be enabled to gratify his curiosity, without exhausting his patience; and he who feels himself more directly concerned, may, with little trouble, consult such references, as most probably will leave no doubt in his mind.

As we have already, Sir, taken the liberty to reprehend the disproportioned extent of your genealogical excursions into the 14th century, so we must now notice the defective nature of Lord Galloway's memoir, in a contrary respect; it being wholly destitute of introductory matter, at least of

matter of the genealogical species. The author, indeed, goes most directly to the point. He opens his performance with an account of Sir William Stewart of Jedworth, and accurately traces the succession down to the present generation of the family of Galloway. Every reader, however, is not a genealogist; and, on that account, it may be proper here to ascend a little higher than this eminent person in the 14th and 15th centuries. By these means, both the view of his extraction will be rendered more complete, and the relation displayed which his posterity now bear to other families.

ALEXANDER, the sixth Lord High Steward of Scotland, and great-grandfather to King Robert II. (the first prince of the House of Stewart) died A. D. 1283, and left a numerous progeny. Of his sons, James, the eldest, succeeded, of course, to his father's honours. The second, afterwards designed * Sir John Stewart of Bonkill, having married the heiress of that estate, had seven sons; and an extensive race, of which these became the progenitors, forms, as we have already said, the most ancient families of the Stewart name. Sir John fell, gallantly fighting at the battle of Falkirk, *an.* 1298 (T). His sons were as follow:

I. Sir ALEXANDER STEWART of Bonkill. He was created Earl of Angus by King Robert Bruce,
an.

(T) See Hemmingford, T. 1. p. 165. Lord Hailes's Annals, p. 260.

an. 1327 (u), and was predecessor to the Earls of that name, of the Stewart line. This family became extinct, *an.* 1377, when the titles passed into the House of Douglas.

II. Sir ALAN STEWART of Dreghorn; who attended Edward Bruce to the war in Ireland, *an.* 1315 (v); and was killed at the battle of Hallidonhill, 1333. From him have sprung the Lords Darnley and Aubigny, the Earls and Dukes of Lennox, and Earls of Galloway, with the cadets of the latter; the Stuarts of Castlemilk, and their descendants of Arthurley, and Torrance; likewise those of Hallrig, Raifs, and Barcube. After the union of this with the Dalswinton line, the following families likewise came from the same stock, namely, that of the Lords Blantyre and Bleffington, together with the Stewarts of Barclay, Phifgill, and Castlestewart. Of Henry Lord Darnley, who, *an.* 1565, married Mary Queen of Scots, no male offspring now remains, except Henry Cardinal de York; after whom, this branch will be represented by the Earl of Galloway.

III. Sir WALTER STEWART of Dalswinton and Gairlies. He likewise accompanied Edward Bruce
in

(u) Rymer, *Fæd. Angl.* T. 2. Dalrymp. Collect. p. 394.

(v) Hollinshed's *Chronicle of Ireland*, p. 67, 68. Symfon's *Hist. of the Stewarts*, p. 64. Duncan Stewart, p. 151. Fordun, *Scotichron.* L. XIII. 28.

in the expedition to Ireland (x). His great-granddaughter Marion, heiress of Dalwinton, married Sir John, eldest son to Sir William Stewart of Jedworth and Castlemilk, and thereby united this branch with a cadet of the foregoing race. It is at present represented by the Earl of Galloway.

IV. Sir JAMES STEWART of Preston and Warwickhill (y). He was killed at the battle of Halidonhill, *an.* 1333 (z). Of him are descended the Stewarts of Lorn and Innermeath, and the Earls of Athol, Buchan, and Traquair, of the name of Stewart; as also the Stewarts of Gairntully, Innernyty, Balleed, Balcaisky, Fundeynet, Rosyth, Kirkhill, Kinnaird; likewise those of Appin, Ardshiel, Strathgarry, Auchnaguone, Fasnacloich, Innernaheil, Balcheillis and Innerduring.

V. Sir JOHN STEWART of Daldon (A). This son was likewise killed at the battle of Halidonhill, *an.* 1333, but left no issue (B).

VI.

(x) Hollinshed's Chron. p. 68. Haddinton's Collect. Symson, p. 64. Duncan Stewart, p. 160.

(y) Haddinton's Collect. Symson, p. 64. Duncan Stewart, 168.

(z) Fordun, Scotichron. L. XIII. 28.

(A) See Lord Hailes's Annals, v. 2. p. 307.

(B) Fordun, Scotichron. L. XIII. 28. Duncan Stewart, p. 197.

VI. Sir ROBERT STEWART of Daldie ; who, together with his two brothers, Sir Alan and Sir Hugh, accompanied Edward Bruce to the war in Ireland, *an.* 1315. He was present, *an.* 1318, at the battle of Dundalk (c). His grandson, Sir Alan Steuart, obtained the lands of Allanton, in Lanerkshire ; and from him have sprung the Steuarts of Allanton, and their various descendants, viz. those of Kirkfield and Coltness, Goodtrees, Westshield, Collernie, Westbarns, Allanbank and Mitcham ; as also the Steuarts of Hartwood, Carbarns, &c.

VII. Sir HUGH STEWART. It does not appear that this son had any addition, or designation * ; neither did he acquire any landed property. He accompanied his three brothers, Sir Alan, Sir Walter, and Sir Robert, to Ireland ; but died, like Sir John, without issue (D).

Sir John Stewart of Bonkill had, besides seven sons, one daughter, Isabella, married to Thomas Randolph Earl of Moray ; to whom she brought the barony * of Garlies.

Of these six heads of families, our present business is with Sir Alan only, the second brother, who was ancestor of the family of Castlemilk, as well as to that of Lord Galloway.

Sir

(c) Hollinshed's Chron. p. 67, 68. Duncan Stewart, p. 199.

(D) Hollinshed's Chron. p. 68. Duncan Stewart, p. 149, 150.

Sir Alan Stewart of Dreghorn, or Dregern, in Ayrshire, (which estate he obtained from King Robert Bruce) (E), was killed at the battle of Halidonhill, *an.* 1333, together with Sir John and Sir James, as above noticed ; and, accordingly, they are celebrated by Fordun, as the three illustrious brothers, (*tres incliti fratres*) who lost their lives in that unfortunate action (F). Sir Alan was followed by his eldest son, Sir John Stewart of Darnley (G). To Sir John succeeded his brother Alexander, about the year 1370 ; and he died soon after.

(E) The charter, by which King Robert Bruce bestowed the lands of Dreghorn on Sir Alan Stewart, is preserved in the public records of Scotland, Roll I. N^o 41. In that deed, he grants, *Alano Senescallo, dilecto et fideli suo, pro homajio et servitio suo, omnes et singulas terras et tenementum de Dreghorn, cum pertinentiis, quæ fuerunt Johannis de Baliol, Wilhelmi de Ferraris, et Alani la Suce, militum ; tenendas et habendas dicto Alano, et hæredibus suis, de nobis, et hæredibus nostris, in fædo et hæreditate, per omnes rectas metas, &c. Reddendo servitium duorum architenentium in exercitu nostro, et tres scèlas ad curiam viccomitatus nostræ apud Air, annuatim, &c. &c.*

(F) Fordun, *Scotichron.* L. XIII. 28.

(G) Rymer, *Fæd. Angl.* T. v. p. 791. T. vi. p. 34, 35, 46, 48. See also *Genealog. Hist. of the Stewarts*, where the author, with great diligence, and on evidence drawn from charters, has corrected an error of some writers, who have supposed a generation to intervene between Sir John Stewart of Darnley, who was alive in 1354 and 1357, and Sir Alan, killed at Halidonhill, p. 66—74.

ter. Next followed Alexander, the son of the latter; at whom it will be proper to pause, and whose progeny it is requisite more particularly to specify.

Sir Alexander Stewart of Darnley, grandson to Sir Alan already mentioned, flourished about the middle of the 14th century. By his marriage with Janet Keith, heiress of Galston (H), and widow of John Hamilton of Rossaven, he had five sons, and one daughter; as may be seen by the genealogical sketch, subjoined to this letter (I). He died between 1399 and 1406. His eldest son was Sir John Stewart of Darnley, who afterwards became so eminent in France, as Constable of the Scottish army, and as Lord d'Aubigny, and Count d'Evreux; and his second son, Sir William Stewart of Jedworth and Castlemilk, who was the immediate

(H) Here the author of the Genealogical History of the Stewarts, has with great accuracy refuted two gross misrepresentations of genealogists; the first, in supposing the existence of but one generation of the name of Alexander, in the Darnley family; and the second, in holding out Sir David Hamilton of Cadzow (the ancestor of the Dukes of Hamilton) instead of John de Hamilton of Rossaven, as the first husband of Janet Keith. See a charter granted by John Earl of Carrick, about the year 1371, to Sir Alexander Stewart of Darnley and Janet Keith, &c. p. 83, 84. See also the whole reasoning on Janet Keith's first marriage, p. 86—95.

(I) See Genealog. Hist. of the Stewarts, and two charters there quoted, by the Duke of Albany, the one in 1406, and the other in 1407. Public Records, Roll xI, N^o 17. ind 38.

mediate ancestor both of the Earls of Galloway, and the present Stewarts of Castlemilk, the *cadets* of their family.

Having thus, Sir, in a succinct manner, pointed out the extraction of Sir William Stewart, I shall avoid all further excursions into the regions of genealogy. Warned by your example, I shall endeavour to disencumber the chief points, on which the controversy turns, of every extraneous investigation. We are bound to show, by substantial evidence, the truth of the genealogical deduction just now delivered, viz. that Sir William Stewart of Jedworth, and Sir William Stewart of Castlemilk, are nothing more than different descriptions of one and the same person, who was also younger brother to Sir John Stewart of Daruley : That Sir John, the eldest son of the former, married the heiress of Dalswinton, of whom Lord Galloway is descended : And, finally, That Sir William, the second son, was Sir William Stewart the *second* of Castlemilk, and the only person of that name, with whom you can possibly connect the pedigree of your family.

For these purposes, we conceive that an impartial review of the principal transactions in the life of Sir William Stewart of Jedworth, and of his two sons, will amply suffice, such as they appear in charters, or are authenticated by history : And the facts they brought forward shall be accompanied with observations, such as naturally tend to elucidate the subject.

Sir William Stewart of Jedworth and Castlemilk was born probably somewhat subsequent to the middle of the 14th century, and probably about the year 1365 (κ). In 1385 he was still young, and had not as yet obtained the honour of knighthood (L); although we are warranted

(κ) From a charter, granted by John Earl of Carrick, (in which he is described as *Johannes illustris Regis Scottorum primogenitus, Comes de Carrick, et Senescallus Scotiæ*), to Sir Alexander Stewart of Darnley, and his spouse Janet Keith, of the estate of Galston, (which the latter had, for that purpose, consigned into the hands of the superior*), we learn, that the marriage between her and Sir Alexander must have taken place *before* the year 1371. (See this deed in the Register of Transsumpts* at Edinburgh). But it probably was about 1360, or rather sooner; as, in 1387, we find Sir John, the eldest son, is "Lord of Castlemilk." (See p. 49. of this Letter, Note.) The birth of Sir William, therefore, may, from that and various other circumstances, be placed at the period assigned to it in the text.

(L) This we see by an original charter, granted by King Robert II., in which he is designed* simply William Stewart of Jedworth. It is dated July 2. 1385, in the 14th year of that Prince's reign; (*dilecto et fidelissimo nostro, Willemo Stewart de Jedworth*); and confers on him the estate of Synlaws, in the barony of Oxynham, and county of Roxburgh, vacated by the forfeiture of Thomas Rydall. See Public Records, Roll viii. No. 22. An account, also, is preserved in Rymer's *Fœdera*, of the disbursement of money, remitted by the King of France, to subsidize the principal Scottish Chieftains, 1385, in which an hundred *Livres Tournois* are stated to have been paid to William Stewart, (*a Guille Steward, C. L. T.*) tom. vii. p. 485.

warranted to believe, that that rank was conferred on him previous to the close of King Robert III^d's reign (M). When an embassy was sent to England, *an.* 1394, consisting of the Earl of Carrick, the Earl of Douglas, and other persons of distinction, his name is found among those of the members of that deputation; and in letters of safe-conduct, granted by Richard II., he is styled, " Sir William Stewart, Banneret," (*Willielmus Senescallus de Jedworth, Bannerettus*)(N). Knights-Bannerets were then a superior order of the knighthood. They were created in the field, for some gallant action, under the royal standard, and

(M) See Charter of Confirmation*, by King Robert III., dated January 4. 1390-91, in the first year of his reign, confirming a charter by John Turbull of Minto, to his nephew or grandson Sir William Stewart of Jedworth; *Domino Willielmo Senescallo de Jedworth, Militi, nepoti meo*. A full and correct transumpt* of the original charter is inserted in the charter of confirmation. Public Records, Roll ix. No. 23. There is, likewise, a grant of Forty Merks* Sterling (*i. e.* L. 2 : 4 : 5 $\frac{1}{4}$) to Sir William Stewart of Jedworth, for his loyalty, and personal attachment to Robert III., king of Scotland, and his eldest son, David Earl of Carrick, and Duke of Rothsay; *Dilecto et fideli nostro Willielmo Senescallo de Jedworth, Militi, pro servitio suo, et speciali reverentiâ suâ, nobis, et David Senescallo, primo-genito nostro*. The date is at the city of Perth, March 27. 1392. Public Records, Roll x. No. 25. This, as an instance of royal munificence, sufficiently shews the great value and scarcity of money at that period.

(N) Rymer. Fœd. Angl. tom. vii. p. 785.

and had the privilege of ranking as Barons of the kingdom.

The estate of Jedworth, the first property of Sir William Stewart, descended to him from Sir John Stewart of Bonkill and Jedworth, 1296; and seems in fact to have been possessed by the second son of the Darnley family for nearly the space of two centuries. Sir Alan Stewart of Dreghorn, the first of that race, mentioned 1316, &c. was the second son of Sir John. He had a grant, as we find, of several lands still in the possession of Lord Galloway (o); and it is more than probable, that the estate of Jedworth was also held by Sir Alan, and in a similar manner descended to his posterity.

Concerning the life of Sir William Stewart, history is in a great measure silent. Few particulars relating to him can be known, unless from notices incidentally preserved in the public records,

(o) Charter, by King David II., to "Alan Stewart, father to John Stewart of Darnley, of the lands of Crosswell, Drothardeg, and part of Glengary, commonly called Knockhill, in the Rinus of Galloway." This deed is recorded in an authenticated inventory of charters, in the British Museum, among the Harleian M. SS. No. 4609. Also, in the same inventory, there is a roll* of King David II., marked F., in which a charter occurs, "confirming a grant by John Randolph, Earl of Murray, to Walter Stewart, father of John Stewart of Dalswinton, of the lands of Garlies, Glenmannock, Cursock, and Kilkermock, in *vicecomitatu de Dumfries*." See Evid. for Lord Galloway, p. 3. and 87,—89. and note.

cords, or in private documents in the possession of particular families. Yet these comprise a body of facts, curious no less than clearly authenticated, and may be considered as sufficiently numerous, respecting a single individual, in so uncultivated an age, and so remote a period.

It appears, that this remarkable person, as well as his brother Sir John Stewart of Darnley, considerably figured in both the public, and private transactions of this era. In consequence of a truce, for twenty-five years, established, *an.* 1396, between those ancient rivals the French and English, Scotland, as the faithful ally of the former, of course became a party. Some important differences, however, were previously to be adjusted; and, for that purpose, it was thought proper to appoint commissioners on either side. Sir William Stewart was among this number, on the part of the Scotch. In the commission from Robert III., recorded in Rymer's *Fœdera*, that Prince addresses himself to "his trusty and well-beloved *Sir William Stewart of Jedworth*, and "Sir John de Romærgny, Knights," empowering them to act as plenipotentiaries, in fixing the conditions of a pacification between the two kingdoms (p). Not long after, on the 2d October 1397, an indenture was made, at the Abbey of Dunfermline, between "*Sir William Stewart*,
" John

(p) *Dilectis et fidelibus suis Willielmo Senescallo de Jedworth, et Johanni de Romærgny, Militibus.* Rymer. *Fœd. Angl.* tom. viii. p. 17.

“ John de Romœrgny, Knights, Adam Forrester, and Patrick de Lumley, as negociators on the part of the Scotch,” &c. which evidently relates to the same business (Q).

Who the persons were, here named Sir John de Romœrgny, and Adam Forrester, is not certain; but they probably were men of considerable note, as it appears that they, as well as Sir William de Borthwick, continued to be engaged, in conjunction with Sir William, in the same transactions, towards the close of the 14th century (R).

In another indenture, made at Haudenstank, entitled *Indentura Tréugarum Scotiæ*, the above truce was more clearly defined, and fresh commissioners, for arranging the conditions, particularly nominated. The indenture is made between David Earl of Carrick, eldest son of the King of Scotland (Robert III.), on the one part, and John, son to the King of England, and Duke of Guienne and Lancaster, on the other part. The deed imports, that these commissioners delegate their authority

(Q) Rymer. Fœd. Angl. tom. viii. p. 17, 18, &c.

(R) Besides the proofs of this, which will hereafter appear, there is another, which we may now state, viz. a charter, by Robert de Cochrane, to Sir Henry Douglas, of the lands of Longnewton, dated at Edinburgh, May 1. 1392. The witnesses are, among others, Sir Alexander Lyndsay, Sir William Stewart, and Adam Forrester. The deed is preserved in Macfarlane's collection of charters, p. 40. (in the Advocates Library, Edinburgh.)

authority to “ Messieurs William Lindefay, *William Stewart*, et Joan de Romœrgny, *Chevaliers*,” with full power to them, to bring the negociation to a speedy issue; and this, in fact, the address and diligence of Sir William and his associates seem ere long to have accomplished (s).

In the month of October of the same year, and at the same place, a meeting was held, relative to the arrangement of the ransoms, and the enlargement, of the prisoners taken during the late incursions on the borders. The Earl of Douglas, Warden of the Middle Marches*, named, as sureties for his performance of the treaty, Sir Richard Rutherford, and *Sir William Stewart, Knights*, together with Walter Scott, Thomas Turnbull, and Robert de Lauder (r).

Among a people equally fierce and uncivilized, it was not to be imagined, that the formalities of negociation could check private animosity, or petty hostilities. The minutes* of a convention are still preserved, dated 26th October 1398, between Sir William de Borthwick, Sir John de Romœrgny, Knights, and Adam Forrester, Commissioners of a high and mighty Prince, the King of Scotland; and Sir John Bussie, Sir Henry Graham, Knights, Messieurs William Fereley and Lawrence Drew,

(s) See Rymer. Fœd. Angl. tom. viii. p. 35. The indenture is dated 16th March 1398.

(r) See the minutes* of this convention, Rymer. Fœd. Angl. tom. viii. p. 54.

Drew, Commissioners of a high and mighty Prince, the King of England (v), &c.

In this convention, a complaint was preferred, by Sir Philip Stanley, against the son of the Earl of Douglas, and several others, particularly Sir William Stewart, then present in the meeting. The complaint set forth, that, pending a truce between the two kingdoms, these lawless persons had broken down the bridge, and demolished the walls of Roxburgh, attacking the town, and setting the hay and fuel on fire, to the loss and detriment of two thousand pounds to the inhabitants. Sir William, being called upon to justify his conduct, replied, that, as to the demolition of the bridge, and burning the forage, his chief* (meaning Archibald, son to the Earl of Douglas) avowed that it had been done by his directions; under an idea, as it was Scottish property, that an infringement of the pacification could not thereby be implied. Whether the action was strictly legal, he said, he should not presume to determine. He cheerfully referred it to the Lords Commissioners; who, if they concurred in a disapprobation of the act, complete restitution should certainly be made. In regard to the demolishing the walls, and the injuries inflicted on the inhabitants of Roxburgh, they were the effect of the unruly disposition of a tumultuous soldiery, and as sincerely regretted by his chief* himself, as they were felt by the complainants.

(v) Rymer, Fœd. Angl. tom. viii. p. 54.

ants. Averse, Sir William added, as that noble person was to give causeless offence, or commit unjustifiable violence, he would be found ready when called upon, to give every satisfaction for the outrage. The final determination of this dispute being referred, by the deputies, to the principal Commissioners, every thing appears to have been amicably settled. The projected truce suffered no interruption: For we shall immediately see, that on the 6th November following, the Earl of Douglas was nominated guarantee, and *Sir William Stewart* one of the conservators of the peace, for the western borders.

For this purpose, on the day just now mentioned, a convention was held at Lochmaben. The Scottish Commissioners there were nearly the same as at the former meeting, viz. Sir William de Borthwick, Knight, together with Richard de Gordon; and the same Sir John Bussie, and Sir Henry Graham, Knights, and Messrs William Fereley, and Lawrence Drew, on the part of the English Monarch. By them it was agreed, that the treaty in these parts should be strictly observed, and the prisoners taken on either side faithfully restored. Sureties were then named for preserving the peace, throughout the Earl's "bounds* of Douglas," for the west march * of Scotland. Accordingly, Sir John de Johnston (ancestor of the Marquis of Annandale) Sir John de Carlisle, *Sir William Stewart of Castlemilk*, Knights, Harbart de

de Cerry, and other persons, were appointed to that honourable office (v).

Sir William Stewart, on this occasion, seems to have been designed * “ of Castlemilk,” because his estate so called was situated on the western borders of the kingdom, for the peace of which he was responsible, in the same manner as he had become surety on the middle marches *, on account of his estate of Jedworth (x). Sir William de Borthwick, Sir John Bussie, &c. were Commissioners on the one occasion, as well as on the other, as has been already stated. The Earl of Douglas was warden of both marches * ; and it is natural to conclude, that Sir William Stewart, having property in both districts, should be nominated conservator of the peace in both.

The fact is, in the monuments which subsist concerning this period, we find, that Sir William Stewart is described in several different ways ; as Sir William Stewart of Jedworth, Sir William Stewart of Castlemilk, Sir William Stewart, Sheriff of Teviotdale, or simply Sir William Stewart ;

F

which

(v) The minutes * of this convention form an important document, and are likewise preserved in Rymer's *Fœdera* (tom. viii. p. 58, 59). The other sureties, for the preservation of the peace, besides those named in the text, were John de Carruthers, John de Glendonwyne, Nichol Littel, Alexander Armystrong, Geoffrey Armystrong, Davy Armystrong, and — Nickson ; probably persons of property and influence in the district.

(x) See above, p. 36.

which last, from the celebrity he had acquired, might frequently be deemed sufficient. It is true, there were, in the same era, two other persons of the name of William Stewart ; and it will appear, in the sequel, that it is proper to ascertain that circumstance. But it may be observed, wherever the name of Sir William of Jedworth, brother to Sir John Stewart of Darnley occurs, that it uniformly occurs under so *unquestionable a shape*, as clearly to identify him to any man possessed but of common impartiality ; whose judgment has not been warped by the force of his passions ; and who has no favourite theory to support, of which the existence would be destroyed by an admission of the fact.

I shall here remark, Sir, that in adopting these different designations * or additions, Sir William Stewart did nothing more than was consistent with the uniform practice of the age in which he lived. With men of rank in Scotland it was common to assume them, according to the various transactions in which they chanced to be engaged, or as these were connected with various parts of their landed property. Sir William Stewart *of Garlies*, for example, in a charter, dated January 13. 1458, is designed * “ Sir William Stewart *of Minto* ;” while, in the very next charter in the public records, he is described as “ Sir William Stewart *of Dalswinton*” (γ). Here are, therefore, *three* different designation

(γ) These two charters not only stand together in the public records, but they are dated on the very same day, viz.

designations * of the same person. The repeated instances of a similar practice adduced by yourself, in different parts of your work, are sufficient to establish the point ; nor should I now have bestowed upon it more than a cursory observation, had not you, with the strangest inconsistency, denied, to Sir William Stewart of Jedworth and Castlemilk, the same harmless privilege, which you so readily grant to every other individual, whether connected, or unconnected with his family.

Indeed, the documents which prove that Sir William Stewart is actually described by the different additions above mentioned, are so abundant, that the difficulty, with a writer, lies in the selection, rather than in the search of evidence, wherewith to support his argument. In confirmation of the several proofs already exhibited, and of others
that

viz. 13th January 1458. I. A charter of the lands of Synlaws (formerly granted to Sir William Stewart of Jedworth, *an.* 1385,) and of Myrbottil, &c. in Roxburghshire, in favour of Alexander Stewart, son and heir-apparent of Sir William Stewart of *Minto*, Knight, and Elizabeth, his spouse, and the heirs-male procreated, or to be procreated, betwixt them ; whom * failing, to Alexander Stewart's nearest heir-male, on the resignation of Sir William Stewart his father. II. A charter, by King James II. of the lands of Dalswinton, Garlies, Myrbottil, Minto, Howpaslet, &c. to Alexander Stewart, son and heir-apparent of Sir William Stewart of *Dalswinton*, (*filio et hæredi apparenti dilecti nostri Wilhelmi Stewart de Dalswinton, militis*) on the resignation of Sir William Stewart, his father. See Public Records, b. v. ch. 55, 56. There can be no doubt that this was Sir William Stewart also of *Garlies*.

that will appear in the sequel, a few may not improperly be stated in this place.

There is still extant, and in the possession of the Wishaw family in Lanerkshire, an original decret * of the Baron * Court of Camnethan, held October 13th 1390, before Sir Alexander Stewart, lord of the barony *. The witnesses present were Sir William Sommerville of Carnwath, Sir John Hamilton of Rofs, *Sir William Stewart*, Alexander Stewart of Galston, and Robert Stewart (z). “ Ro-
bert

(z) This original paper belonged to Mr Hamilton of Wishaw, that well known and intelligent antiquary, who lived about the beginning of the present century. Being very curious in collecting ancient writings, it is probable he obtained it from the family of Camnethan, in the same neighbourhood. The Baron * Court of Camnethan in question was held at the Quarrel Hill, on the 13th October 1390, *Coram Domino Alexandro Senescallo, Domino dictæ baroniæ*, at the instance of Sir Alexander, against John Franks de Frankesland, who obtained absolvitor * on the verdict of an inquest. The decret * bears, that the witnesses present with Sir Alexander, on this occasion, were

<i>Nobiles et potentes viri,</i>	
<i>Dominus Willielmus Somervel, Dominus</i>	} <i>Milites.</i>
<i>de Carnwyth,</i>	
<i>Johannes de Hamylton, Dominus de Rofs,</i>	
<i>Willielmus Senescalli,</i>	
<i>Alexander Senescall, Dominus de Galliston,</i>	
<i>Robertus Senescall.</i>	

Willielmus de Montgomery, et Hugo Akeston, cum aliis testibus, ad premiss. vocat. specialiter et rogat. The business, which gave rise to this meeting, appears to have been of
some

“bert Stewart, son to Sir Alexander Stewart of
 “Darnley,” is mentioned in a charter 1397, pre-
 served in the Chartulary of Paisley (A). Alexan-
 der Stewart, here designed * of Galston, or Galli-
 ston, is likewise frequently spoken of as a son of
 that family (B); and there can be no doubt, but
 that Sir William Stewart, who, on other occasions,
 is

some pecuniary consequence to Sir Alexander Stewart of
 Darnley, who, in the decree, is styled “Lord of the Baro-
 ny * of Camnethan.” It appears, likewise, that he was
 actually present, and surrounded by some of his nearest re-
 lations.

(A) See Father Hay’s Collections, in the Advocates Li-
 brary at Edinburgh, (Chart. of Paisley, p. 239, 240.)
 wherein we find, that there is a grant, *an.* 1397, by John
 Blair of Adamtown, to the Monks of Paisley. To this
 deed one of the witnesses is Robert Stewart, described as
 “son to Sir Alexander Stewart, Knight, Lord of Darnley.”
 There is, also, another charter, in the possession of Lockhart
 of Lee, by Sir Alexander Stewart of Darnley, in favour of
 Robert Stewart, his son, and the heirs-male of his body, &c.
 of the estate of Newton of Wyftown in Lanerkshire, about
 the year 1399. See Genealog. Hist. of the Stewarts,
 p. 98.

(B) Besides the decree of the Baron * Court of Camne-
 than, there is a charter, granted by Sir John Stewart of
 Darnley (eldest son to Sir Alexander) to John de Hamilton,
 in the beginning of the 15th century; in which Alexander
 Stewart, one of the witnesses, is described as brother of Sir
 John Stewart of Darnley, the granter of the charter. Ge-
 nealog. Hist. of the Stewarts, p. 99, 100.

is described of Jedworth, was likewise son to Sir Alexander Stewart of Darnley. As the author of the *Genealogical History of the Stewarts* himself quotes the document in question, in order to prove, that one of the above witnesses was Sir William, son to Sir Alexander Stewart (c), I shall not add another word on the subject.

There is preserved, in the public archives at Edinburgh, a charter of confirmation *, by King Robert III., dated January 4th 1390-91, in the first year of that Prince's reign, confirming a charter by John Turnbull of Minto, to his grandson, or his nephew, *Sir William Stewart of Jedworth* (D). In the charter-chest of Lord Minto, we find a notorial * instrument, dated April 23d 1429, purporting, that, on that day at Minto, it was attempted, by virtue of a precept of feisin *, to invest Sir William Stewart of Dalswinton in the lands of Minto; and that these proceedings were interrupted by Walter Turnbull, who declared the hereditary feisin *, then granted to Sir William Stewart, null and void, as he himself was the true heir, and legal baron * of Minto (E).

These,

(c) *Genealog. Hist. of the Stewarts*, p. 96, 97.

(D) See p. 34. note (M).

(E) This notorial * instrument may be considered as a confirmation of Sir William Stewart of Dalswinton's descent from Sir William Stewart of Jedworth, to whom, as we have just now seen, the barony * of Minto was granted, by

These, Sir, are very important papers. Without entering into the dispute between the two claimants, we may observe, that the deeds contain, in the first place, a complete confirmation of the descent of Sir William Stewart of Dalswinton from Sir William Stewart of Jedworth. Secondly, They shew the identity between the latter and Sir William Stewart, the brother of Sir John Stewart of Darnley, killed (as it will afterwards appear), before Orleans, on the 12th of February 1429. They fully establish the fact, that Sir William Stewart of
Jedworth

by charter, in 1391. From another notorial* instrument, in the same charter-chest, dated 1425, we learn, that Walter Turnbull had prepared himself for this event, a few years before. An inquiry, at his instance, had been instituted, relative to John Turnbull his father, who had made the grant of Minto in 1390. A jury nominated for the occasion declared, that he laboured under the effects of a leprosy, at the time when the deed was executed; a circumstance which, according to the laws of Scotland as they then stood, rendered the proceedings void. This inquest into the validity of the charter of the lands of Minto, seems to have been in consequence of an account received in Scotland of the fall of Walter's father, Sir John Turnbull, at the battle of Cravaut, *an.* 1423. See Harl. MSS. N^o 782. After much dissension between the claimants, it appears, that, by a 'brief of perambulation*' by King James II., addressed to Sir Archibald Duoglas of Cavers, Sheriff of Teviotdale, that officer made a partition of the estate of Minto, between Sir William Stewart and Walter Turnbull, in certain proportions; according to which the posterity of both continued to hold them. See Notor. Instrum. dated June 16th 1463, in Lord Elliot's charter-chest.

Jedworth could not have died *very long* before that time ; and particularly, that he must greatly have outlived the year 1402, when you pertinaciously maintain that he was put to death, after the battle of Hamildon (F). Because, were your supposition true, it is utterly incredible that his heirs at law should have omitted, during no less a space than *seven and twenty years*, to take possession of the estate of Minto, which, in consequence of his decease, necessarily devolved to them. Thirdly, These documents display one of the strongest evidences in genealogical demonstration, the transmission of landed property, for the line of descent we are endeavouring to maintain ; as the estate of Minto, disposed * to Sir William Stewart in 1391, and now claimed by his grandson and heir in 1429, was long after seen descending to his posterity (G).

But of all the proofs of the diversity of designations used by Sir William Stewart, the most remarkable, or at least the most interesting to his posterity, is the disposal of his estates, and the provision he thought proper to make for his children. The transaction to which we allude is sufficiently memorable, and, as it fortunately happens, is no less clearly authenticated. Let us first, however, just

(F) Genealog. Hist. of the Stewarts, p. 318—321.

(G) See charter granted by James II. of the lands of Dal-swinton, Garlies, Myrbottill, *Minto*, Howpallet, &c. to Alexander Stewart, quoted page 78. note (D).

just take a view of the ample possessions that appear to have belonged to him in the period in question.

The landed property of this illustrious person, whether as the inheritance of his ancestors, or the recompense of his merit, was certainly very considerable. 1st, The estate of Jedworth in Teviotdale, which descended to him from his great-grandfather Sir John Stewart of Bonkill and Jedworth. 2dly, That of Minto, as appears by the grant from John Turnbull, *an.* 1391 (H). 3dly, That of Castlemilk, which, you have fully proved, belonged, in 1387, to his brother Sir John, and was by him conveyed to Sir William (1). 4thly,

G

That

(H) See charter, quoted page 34. note (M). It appears also, that about the same time, Sir William had a grant of other lands in the same district. Charter by King Robert III. dated Irvyne, November 8th, in the second year of this Monarch's reign, by which he grants, to Sir William Stewart of Jedworth, the lands and estates of George Abernethy, in the village of Minto; these lands being in the King's hands, by the forfeiture of the said George Abernethy. See Pub. Records, Roll x. N^o 33.

(1) Genealog. Hist. of the Stewarts, p. 106—110.

Among the Darnley papers, in the possession of the Duke of Montrose, there is an original indenture, or deed of obligation, by William de Sandielands, Lord of Errockbryne, dated at Bothwell, in May 1387, wherein he acknowledges himself bound to a nobleman, "Sir John Stewart of Castle-milk," (afterwards Sir John Stewart of Darnley), *nobili viro, Domino Johanni Seneschall, Domino de Castelmylk*, for

enq

That of Abercorne, conferred by his patron, Archibald Earl of Douglas (κ). 5thly, In all likelihood

one hundred merks * Sterling, good and lawful money, &c.; and grants him “ a certain annual sum, to be paid out of “ certain lands, until repayment of the amount aforesaid “ should be made, at a term * of Whitsunday, at the parish “ church of Camnethan.” There is also preserved, in the same repository of the Darnley papers, an original deed, executed 24th October 1470, by Alexander Duke of Albany, as Lord of Annandale; by which he grants, to his beloved cousin, John Lord Darnley, (grandson to Sir John Stewart above mentioned) 1950 merks *, to be uplifted * out of the *two-part lands of Castlemilk and Brummel*, in Annandale; being in his hands, as lord of the district, all the time of 39 years bygone *, since the decease of Sir John Stewart of Darnley, in default of the entry of the said Sir John’s heirs; (that is, from 1429, when he fell in France, to the date of the deed in question). These two documents afford a reciprocal confirmation of each other, as to the fact, that the estate of Castlemilk was possessed by Sir John Stewart; by whom it was conveyed to his brother, (although still held of himself, as usual, by military tenure) some time before 1398. See Rymer, Fœd. tom. viii. p. 58, 59. See also the method adopted by John Lord Darnley, in 1473 and 1475, in order to make * up his titles to the superiority of the lands of Castlemilk. Genealog. Hist. of the Stewarts, Part iv. p. 182—184.

(κ) Charter recorded among the Harleian MSS. in the British Museum (N^o 4609.) by Archibald Earl of Douglas, son-in law to the King, to William Stewart of Teviotdale, or of Jedworth, of the lands of Abercorne, and castle thereof, blenche *. See View of Evidence for Lord Galloway, p. 15.

hood may be added the lands of Fynnart, or Fynnart-Stewart, in the county of Renfrew, which seem early to have been the appanage of one of the younger branches of the Darnley family.

On the 17th October 1396, a contract was entered into at Dumfries, by Sir William Stewart, and his kinsman Sir Walter Stewart of Dalfwinton (L); in which it was agreed, that John, the eldest son and heir-apparent of the former, should marry Marion, only daughter and sole heiress to the latter (M). To this contract Sir John Stewart is a witness, who, there is every reason to believe, must have been Sir John Stewart of Darnley. The deed, which is curious and important, is written in the Scottish dialect. An authentic copy of it is preserved in the Register Office at Edinburgh; and it has been uniformly referred to by every writer, except yourself, on the name of Stewart. The marriage-ceremony between the parties was celebrated, according to the forms of the agreement, some time before Candlemas*, (or the 2d of February) in the following year.

Both Marion and John Stewart seem to have been very young, when they were thus betrothed; for they were not even considered as parties in the contract. The lady could not greatly have exceeded her ninth or tenth year; and her husband

was,

(L) See the Genealogical Sketch subjoined to this Letter.

(M) Macfarlane's Collection of Charters, p. 116, in the Advocate's Library.

was, to all appearance, not much older (N). Agreeably to a custom then prevalent in Scotland, and still common in many countries of Europe, where a considerable property is meant to be retained in the family, the marriage-ceremony was early solemnized, and cohabitation deferred to a maturer period.

In consequence of the stipulations of the contract, Sir William, not long after, put his son in possession of landed property to the annual value of "seven score merks*;" which, as it appears, was the estate of Castlemilk (o). Nothing, in fact, could be more natural or commodious. These lands were situated in the immediate vicinity of those of Dalswinton, which his daughter-in-law was to inherit: And, from documents still extant, it

(N) Marion Stewart, in the year 1396, could not have been much above the age mentioned in the text: For, after the death of her first husband, *an.* 1420, she was still young, and married Sir John Forrester of Corstorphin, to whom she brought several children. There is, in the possession of Nielson of Carsluck, a charter which she executed, in conjunction with Sir John Forrester, in the year 1444; and there are several evidences to prove, that she lived till about 1449. See Evid. for Lord Galloway, p. 22.

(o) "Jon Stewart, the son and ayr of the aforesaid Sir William, sal have to wyfe Maryoune, the dowghter c
"the foresaid Sir Walter, &c.; and the foresaid Sir Wil
"liam shall lese and gife, till his son and ayr foresaid
"VII.xx. of merks worth of land and annuil rent, with
"outin fraud or gile." See Macfarlane's Collections a
ready quoted.

it is certain, that Sir William continued, during his life, to retain the estates in Teviotdale, Jedworth, Minto (P), &c. We find, therefore, by a charter, dated 1409, and recorded in the Chartulary* of Paisley, that his eldest son, before he received the honour of knighthood, was actually in possession of the lands of Castlemilk. As one of the witnesses to this deed, he is designed* *John Stewart of Castlemilk* (Q).

In

(P) This is evident from several charters still extant. (See Evid. for Lord Galloway, p. 22.). And it is further confirmed by a clause in the contract just now cited, that all the rest of his estate, in which he then stood invested, or which he should afterwards acquire, with the exception of twenty pounds worth of land annual* rent, reserved for his other son, should be bequeathed to his son John Stewart and Marion his wife, or their heirs. “And all y^e lafe, y^{at} he
“fal conquest, to be gyvin to y^e foresaid John, his son and
“ayr, outtakyn XX pounds worth of land, to be gyvin till
“his oyr. son, or qwhar he will.”

(Q) The document here alluded to, is a charter, by which William Urry dispones* his lands of Fulton, in the barony of Renfrew, to the Abbot and Monks of Paisley. The witnesses are described as follows: “*Præsentibus Johanne Senescallo de Castlemilk, Johanne Sympe! Domino Ellynston, Domino R. Maxwell, Domino de Calderwood, &c. testibus ad præmissa vocatis specialiter et rogatis.*” As this charter is of considerable importance, and has given rise to much discussion, the reader will find an accurate copy of it in the Appendix to the present Letter, N^o II.

In pursuance, likewise, of the terms of the contract, Sir William reserved to himself the power of bestowing, on his second son, estates to the yearly value of "twenty pounds" (R); which, if a conjecture may be indulged, was, in all probability, the lands of Fynnart. In regard to his other possessions, they went, of course, on his death, to his grandson by the heiress of Dalswinton; as it is well known, and will hereafter be seen, that his eldest son died almost ten years before his father.

The pacification between the two kingdoms, the short-lived fruit of so many conventions, and so much discussion, did not last quite four years. Soon after its expiration, Sir William Stewart, about the end of the year 1400, in conjunction with Sir Richard Rutherford and his sons, John Turnbull, surnamed "Out with the Sword," and several other chieftains, made an irruption into England. But, being suddenly attacked by a superior force under Sir Robert Umfraville, the whole were completely surrounded and taken prisoners (s). King Henry IV. who had now succeeded

(R) See the clause of the contract quoted above: "Out-takyn XX pounds worth of land, to be gyvin till his *owr. son*, or quhar he will." Note (P). That this was the estate of Fynnart, granted to the younger Sir William Stewart, is a supposition the more probable, that we find Sir David Stuart of Castlemilk is designed "of Fynnart," previous to the death of his father, in 1439 or 1440.

(s) See Harding's Chronicle. Redpath's History of the Borders, p. 367, &c.

ceeded to the throne of England, issued orders to prevent the ransom of the Scottish prisoners; and they accordingly were carried to the Tower of London (r).

It is not until the year 1419, when succours were sent, from Scotland, to the Dauphin, afterwards Charles VII. of France, that we again hear of Sir William Stewart. Henry V., it seems, not long after his accession, permitted the release of the captives; and, on that occasion, Sir William appears to have regained his liberty. By the historians who delineate this period, "Sir William Stewart lately delivered out of prison," is named as among the commanders in the French expedition (u). The principal leaders were the Earl of Buchan, the Earl of Wigton, (eldest son to Archibald Earl of Douglas), Sir John Stewart of Darnley, Sir William Stewart of Jedworth and Castlemilk, Sir John Swinton, Sir John Turnbull, &c. seemingly the same who was surnamed "Out with the Sword" (v), the faithful companion of Sir William Stewart, in many of his enterprises.

The public transactions in France, in the commencement of the 15th century, are sufficiently known,

(r) Rymer, Fœd. Angl. tom. viii. p. 162.

(u) Hall and Grafton's Henry VI. v. 24.

(v) See an account of the battle of Cravant, preserved among the Harleian MSS. N^o 782.

known, and not less memorable and important. To the honour of the Scotch, it was by their firmness, that the Dauphin's desperate fortunes were retrieved; and at the battle of Baugé, which was gained by their valour, the first successful check was given to the English arms. Sir John Stewart of Darnley being appointed Constable of the Scottish army, it is certain, that his brother and himself made a considerable figure in most of the engagements that took place, from the battle of Agincourt, to the siege of Orleans (x).

Of

(x) The French historian Thaumassiere (in his *Histoire de Berry*), thus speaks of the services which Sir John Stewart of Darnley rendered to Charles VII., and the marks of favour he received from that Monarch. *En ce temps Jean Stuart, Connétable d'Ecosse, amena au secours de ce Roi, des bandes de gens de pied, et des archers à cheval, qu'il entretenoit plusieurs années à ses fraix et dépens; pendant lesquelles il lui rendit des signalez services; vainquit les Anglois en plusieurs rencontres; gagna les batailles de Crévant et de Baugé; au moyen desquelles il releva les affaires de France, et remit aux François le courage de se défendre, et de chasser les Anglois hors de royaume. En consideration de ces importants services, le Roi Charles VII. lui donna le Comté d'Evreux, et la Châtellerie de Concoursault; et depuis, par patentes, donnés à Bourges le 26^{ieme} de Mars 1422, verifiés au parlement, le pénultieme de Juillet 1425, il lui transporta à perpétuité, et à ses hoires masles en droite ligne, la ville, terre, châtel, et châtellerie d'Aubigny sur Nerre, sans en rien retenir que la foi et hommage-liege, ressort et souveraineté.* I here give so large an extract from this wordy writer, for two reasons: first, Because he has delivered a most minute account of the principal

Of these exploits, how honourable foever to the actors, we shall, for the sake of brevity, wave the detail. As the author of the Genealogical History of the Stewarts has so fully recorded them (y), the repetition, in this place, would be the more needless. But let it be observed, that the object of that writer's minuteness is, in some sort, laudable and important; as, from the variety of original evidence he has adduced, both from the authors and the public offices of France, an incontrovertible demonstration is established, that Sir William Stewart, the first of Castlemilk, was the brother of Sir John Stewart of Darnley. Suffice it, therefore, to state, that both brothers were slain before Orleans, in gallantly, though imprudently, attacking superior numbers of the enemy (z). This event took place on the 12th of February 1429.

H

When

principal exploits and honours of Sir John Stewart of Darnley; and, secondly, Because he has delivered it in a style so very similar to that of the Genealogical Historian of the Stewarts, that I am tempted to believe the latter had become enamoured of the beautiful circuitry of the French annalist, and accordingly has succeeded, in giving a most admirable transcript of it, in his own language. See the work last mentioned, *passim*.

(y) Genealog. Hist. of the Stewarts, Part III. p. 113,—160.

(z) There is a history of the siege of Orleans, written by Lodocius Micquello, a professor in that city, about the middle

When Sir John Stewart of Darnley embarked for France in 1419, it appears that he was accompanied

middle of the 16th century, which contains several particulars relating to both Sir John and Sir William Stewart, and is composed in not inelegant latinity. According to this author, about a thousand men, (*utriusque armaturæ equites*), on the 8th February, threw themselves into Orleans. They were headed by different leaders; *inter quos eminebat Gulielmus Stuardus, Scotus*. Sir John Stewart he describes, as *vir Scoticus, equitum magister, e Stuarda regii familia Scotorum. Erat pugnaci ingenio, et ad omnem vel dubiam pugnae aleam paratus*. On the 12th, it seems, a sortie was made on the enemy. The attack, at the earnest instance of the Constable, although at head only of a handful of troops, was imprudently carried too far; (*quin confliceret, vel obtestantibus obsistentibusque aliis, retineri non potuit*); and the English, in consequence, were driven into their intrenchments. But, no sooner had they time to rally, than they furiously returned on the inferior numbers of the assailants, who were, almost to a man, cut to pieces. *Infelici concilio, amotis equis, quo militibus, exaquo periculo, animus amplius esset, in pedes defilierunt, acieque instructâ, ad castra hostium contendunt: qui omnibus rebus subito perterriti, cum existimarent omnes Francorum copias adventuras, neque consilii habendi, neque arma capiendi, spatio dato, perturbabantur, ut copias ne adversus hostem educere, an castra defendere, an fugâ salutem petere, quid præstaret nescirent. Sed fortuna, quæ plurimum potest in reliquis rebus, tum præcipuè in bello, parvi momenti magnas rerum commutationes efficit, ut tum accidit. Nam Angli, cognitâ Francorum paucitate, cum longius abesse Claromontanum cum robore exercitûs viderent, eruptione factâ, infestis signis, tantâ vi in Francos impetum fecerunt, ut major pars conversa, non solum loco excederent, sed protinus incitati, fugâ castra repeterent, An-*
gli

panied by a considerable number of friends and kinsmen, as well as a most respectable body of military retainers (A). His brother, Sir William Stewart

gli animos tollere, at in perculsos Francos acrius incedere. Tum spectaculum horribile in campis patentibus, sequi, fugere, occidi, capi; multi, vulneribus acceptis, neque fugere posse, neque quietem pati; niti modò, et statim concidere. P. 62.

Notwithstanding the length of this note, I cannot refrain from adding the account that follows of the attachment and fall of the two brothers, which is equally characteristic, and neatly expressed. *In eo prælio, ceciderunt ex Francis quadringenti et amplius homines, atque in his paulò clarioris nominis, Aleburtus, Orvallus, Gullielmus Stuardus, Verduranus, &c. et vir fortissimus Joannes Stuardus amplissimo genere natus. Hic, cum fratre intercluso ab hostibus auxilium ferret, illum ex periculo eripuit, ipse vulneratus, quoad potuit, fortissimè restitit: Cùm circumventus, multis vulneribus acceptis, cecidisset; atque id frater, qui jam prælio excesserat, procul animadvertisset, citato pede, sese hostibus obtulit, atque interfectus est.* P. 62. The remark of the author of the Genealogical History on this passage, is no less characteristic and appropriate. Speaking of Sir John and Sir William Stewarts, he says, that the French author, “from
“the style in which he writes, seems to have been a great
“admirer of their actions.” P. 157. By a scholar it would have been observed, on the same ground, that he was a greater admirer, as well as an imitator, of Livy and Tacitus.

(A) See quotation, in a former note, from Thaumastiere, p. 56.

The letters-patent, granted to Sir John Stewart, of the lands of Aubigny and Concreffault, by Charles VII. of France, and found in the *Chambre des Comptes* at Paris, proceed

Stewart of Jedworth, and his cousin Sir Alan Stewart of Allanton, were, without doubt, among the number of those who engaged in the expedition (B). It is likewise believed, and with considerable probability, that both the sons of the former took up arms in the same cause.

Previous to the year 1418, (but how long it is uncertain), Marion Stewart lost her father. On this,

proceed on a recital of the gallant conduct of Sir John, at the battle of Baugé, and on other occasions; and particularly mention his *grande compagnie de gens d'armes et de traitz, qu'il avoit amenée avec lui d'Ecosse*. See Genealog. Hist. of the Stewarts, Part III. p. 117, 118.

As to the precise year in which the expedition to France took place, neither French nor English writers are agreed, some placing it in 1419, some in 1420, and others even in 1421. For various reasons, I am inclined to believe it happened in the autumn of the first-mentioned year. There is a deed executed by Sir John Stewart, Lord of Darnley, 21st September 1429, by which he mortifies* (*i. e.* makes an endowment) to the Predicant Friars of Glasgow, two bolls of corn* (oats), and two bolls of bear* (barley), from the Mains* of Crookston, and two bolls of meal, from the Mill of Darnley. This deed is in the possession of the University of Glasgow, which succeeded to the revenues of the Predicant Friars; and it seems to have been granted, just before the sailing of the expedition.

(B) The circumstance concerning Sir Alan Stewart is learnt from a MS. history of his family, (still preserved in it), which was commenced by James Stewart, the son of Sir Alan. This last was born in Paris of a French lady, whom his father married in that country, soon after his arrival. See Genealogical Sketch subjoined to this Letter.

this, her husband, succeeding to the ample possessions of the latter, became Sir John Stewart of Garlies and Dalswinton ; and resigned, according to a practice very usual with his family, the lands of Castlemilk to his younger brother Sir William (c). The sale of the estate of Kelly in 1418, and

(c) In the feudal times, and particularly in Scotland, it was universal for great proprietors of land to grant estates to their children, which the latter held and were designed* by, during the life of the parent. This, indeed, was the only method, by which patrimony could be bestowed, as circulating cash was a rare commodity. These estates were always held, by military tenure, of the head of the family, as the subject-superior*, (as it is termed in the law of Scotland); and by him they were held under some more powerful chieftain, or sometimes of the Monarch himself. Thus, the lands of Castlemilk were constantly dependant on the Stewarts of Darnley, who, in their turn, possessed them by virtue of charters from the Lords of Annandale. It was a common practice, likewise, to bestow property on one son, and, failing* him, it was to go to another : Or, an elder brother, on any new succession opening to him, or on any other remarkable occasion, frequently conveyed it to a younger. The examples of both are numerous in the Darnley family ; and several have been cited by the author of the Genealogical History of the Stewarts. Sir Alexander Stewart, *an.* 1399, granted the lands of Newton of Wyf-ton in Lanerks-hire, to his son Robert, and his heirs-male ; and, failing* them, to James, another of his sons. See charter in the possession of Lockhart of Lee. G. L. p. 98, 99. Sir John Stewart of Darnley, during his father's lifetime, enjoyed the estate of Castlemilk ; (See documents quoted, p. 49. note (1).); and, on some occasion, resigned
it

and of that of Garnfalloch, two years after, seem to have been brought on by the heavy expence incurred in raising his contingent of troops for the French expedition (D). The common opinion

it to his brother Sir William : And, in the same manner, it appears that Sir John, the son of the latter, who possessed the property in 1409, relinquished it to his brother, the younger Sir William, as we have stated it in the text. See the two charters quoted p. 65. note (L), wherein the younger Sir William appears as a witness, *an.* 1411 and 1415.

In the same way, also, at an after period (1450) John Stewart, Lord of Darnley, granted a charter of the estate of Dreghorn, in Ayrshire, to his brother Alexander. See confirmation thereof in Pub. Records, B. iv. N^o 23. The same Lord of Darnley likewise gave him, *an.* 1452, the lands of Gallistoun, in the same county. See Confirm. Pub. Records, B. iv. N^o 296.

(D) I. A renunciation * of pretence to the barony * of Cally, by Sir John Stewart, Lord of Dalswinton, with consent and assent of Marion Stewart, his wife, in favour of Sir John Stewart of Gyrton, dated the last day of October 1418, and transumed * before the official of Glasgow, May 12th 1462. " Be it maid kende till all men, be these presents, " me John Stewart, Knyt, Lord of Dalswinton, with consent and assent of Marion my vyffe," &c. This document is in the charter-chest of James Murray, Esq; at Kelly, marked B. 15. N^o 9. II. Charter of confirmation, by King James I., dated in the church of St Andrew, in Edinburgh, May 4th 1426, confirming a charter, by Murdoch Duke of Albany, to Sir Herbert Maxwell of Carlaverock, of the lands of Garnfalloch, in the barony * of Dalswinton,

tion states, that he was killed in France, in 1419 or 1420, soon after the arrival of the Scottish forces. However that may be, it is unquestionable, that he did not long survive that event; for his lady had become a widow in the close of the last mentioned year (E). Sir John left two sons; of whom the elder became Sir William Stewart of Dalswinton, predecessor to Lord Galloway; and the other, John Stewart, Provost* of Glasgow (F).

Of Sir William Stewart, the second of Castle-milk, younger brother to Sir John Stewart of Dalswinton, few particulars have been recorded.

The

in the voluntary resignation of Marion Stewart, Lady* of Dalswinton, who is there represented to have been in a state of widowhood, *in purâ viduitate*. The Duke of Albany's charter is dated Edinburgh, October 28. 1420, and a transcript* of it is inserted in the charter of confirmation. There is a clause in the above mentioned renunciation* of retence, in which it is stipulated, that the estate of Kelly should be redeemable, on depositing "twelve hundred merks, on a day betwix the ryfing and the ganging to rest of the son, on y^e. hie allter of y^e. kyrk of Gyrton." As this deed is dated 1418, and the Scotch expedition to France took place in 1419, the cause we have, in conjunction with Mr Williams, assigned for the sale of the estate, is rendered highly probable. Evid. for Lord Galloway, p. 23.

(E) See the II^d. document in the foregoing note, where Marion Stewart is said to be *in purâ viduitate*, an. 1420.

(F) See the Genealogical Sketch at the end of this Letter.

The circumstance of his bearing the name of William, as well as his father, has been the cause of much genealogical perplexity, and, as we have seen, the ground of the present competition. Yet the documents which remain concerning him are pretty satisfactory, and calculated to remove every doubt that has been industriously raised on this subject.

From the foregoing proofs it appears evident, that of the vast landed property, possessed by the Darnley family in this period (G), the estate of Castlemilk was an appanage of the younger branches, for several generations. By the possessor it was usually resigned to a son or a brother, on the succession of the former to property of more ample extent, or on some other important occurrence taking place in the family. In this manner we

have

(G) These estates, as it appears from good authority were certainly very great. In Renfrewshire, they had the Darnley estate, comprehending the lands of Crookston, or Crookinfie, &c.: In Lanerkshire, that of Camnethan, and Newton of Wyfton, besides other property in Avendale. In the county of Ayr, the estate of Galston and Dreghorn. In Linlithgowshire, that of Ballincrief, Bathgate, and Torbane, and other possessions thereto attached: In the lordship of Annandale, and county of Dumfries, that of Castlemilk and Brommel. To these may be added the lands of Cassilton in Lanerkshire, and Finnart, or Finnart Stewart in the county of Renfrew, which seem to have been among the appanages of the younger branches, at a very early period. See Genealog. Hist. of the Stewarts, Part III. p. 103, 104.

have seen, that Sir John Stewart of Darnley, who enjoyed the estate in 1387, resigned it, soon after, to his brother Sir William (H): And he, accordingly, appears as the possessor, and as one of the conservators of the peace, in 1398 (I). Sir William then, in terms of his contract with Sir Walter Stewart, gave it to John, his eldest son, on his marriage with the heiress of Dalswinton. By John, as has been seen, it was held in 1409, and apparently some years later (K); until he, also, finally relinquished it, in favour of his brother William, when the former succeeded to the property of Dalswinton.

The step last mentioned in this succession will appear manifest, from the following proofs. About the year 1411, a charter was granted, by Archibald Earl of Douglas, to Sir John Stewart of Gyrton, to which, among others, William Stewart is a witness (L). This witness is supposed, by Mr
I Williams,

(H) See p. 50. note (K) and p. 61. note (C).

(I) See p. 41. note (V).

(K) See 53. note (Q).

(L) This charter is still in the possession of James Murray, Esq; at Kelly. The granter is styled *Archibaldus, Comes de Douglas, Dominus Gallovidiæ et de Annandale*; and it is in favour of *Dominus Johannes Senescallus de Gyrton, de terris de Burle, in dominio Gallovidiæ*, and to Elizabeth his daughter. The witnesses are *Willielmus de Douglas, nepos*
to

Williams, to be the younger Sir William Stewart of Castlemilk; and, certainly, it corresponds with the time, when he had not obtained the dignity of knighthood. But the documents that authenticate him beyond the possibility of a doubt, are two charters by the same Earl of Douglas, the one to Simon Carruthers of Moufeward, dated *an.* 1411 (M), and the other to John de Park, of which
last

to the Earl of Douglas, Thomas M'Culloch, Fergusius Macdowall, Alexander Gordon, Johannes Keith, milites; Alexander Cairn, præpositus ecclesiæ de Lincluden, Johannes Gordon, *Willielmus Senescalli*, et alii. The charter wants a date, as was then very usual; but from some circumstances mentioned in note (N) of next page, it must have been executed between 1411 and 1424. Nesbitt, in his *System of Heraldry*, (Appendix, p. 254.), speaks of this charter. He says he saw it in the hands of David Symson, the historiographer for Scotland, and was among the number of charters taken by him from Lord Galloway's charter-chest.

(M) This is an original charter granted by Archibald Earl of Douglas, in which he is designed * Lord of Galloway and Annandale, to Simon Carruthers of Moufeward, of the lands of Hodholme, &c. in the lordship of Annandale. It is dated 4th December 1411, at Lochmaben. The testing * clause is as follows: *In cujus rei testimonium, huic præsentî cartæ nostræ sigillum nostrum fecimus apponi, apud Lochmaben, quarto die mensis Decembris, anno Domini millesimo quadringentesimo undecimo, his testibus, Jacobo de Douglas, Scutifero, fratre nostro carissimo; Dominis Willielmo Domino de Græme, Willielmo de Douglas de Middisdale, Willielmo de Douglas de Drumlanrig, Willielmo de Haya de Loncherwart, Willielmo*

last the date, from unquestionable circumstances, must be placed between the years 1411 and 1424, but, most probably, about 1415 (N). To both
deeds

Willielmo de Borthwick, Umfrido Jardine, Willielmo Senescallo, Joanne de Carlisle, Thoma de Moravia, et Roberto Herris, militibus, consanguineis nostris, et multis aliis. It is preserved among the Duke of Queensberry's archives at Drumlanrig.

(N) Also an original charter, granted by the same Archibald Earl of Douglas, therein likewise described as Lord of Galloway and Annandale, to John de Park, and Janet Chisholm, his spouse, of the lands of Gilbertfield, in the barony * of Drumsfargart, and county of Lanerk. The testing * clause is in these words: *In cujus rei testimonium, huic præsenti cartæ nostræ sigillum nostrum fecimus apponi, apud castrum nostrum de Bothwell, his testibus, Dominis Willielmo de Haya de Loncherwart, Willielmo de Borthwick de eodem, Willielmo Senescalli de Castelmylek, militibus, consanguineis nostris dilectis; Magistris Alexandro de Cairns, præposito de Lyncluden, Matheo de Geddes, et Jacobo de Fawside, ecclesiarum Beatæ Mariæ de Foresta et de rivale rectoribus clericis nostris, cum multis aliis.* The charter wants a date, as is the case with many ancient papers. But as the Earl of Douglas appears in it as Lord of Annandale, using, in his seal, the arms of that family united with those of Douglas, the deed must have been executed, at least subsequent to the time of his acquiring the lordship of Annandale, *i. e.* at least in the year 1411, and, as certainly, previous to his death, which happened in 1424. From every circumstance in the life of Sir John and Sir William Stewart, I am inclined to place it about 1415.

The

deeds Sir William Stewart stands as a witness. In the first, he is described simply as " Sir William Stewart ;" in the second, as " Sir William Stewart of Castlemilk ;" and, in both, as " cousin to the Earl of Douglas, the granter."

Now, it is impossible that any thing can more clearly indicate the last step in the succession to the

The charter to John de Park we have already had occasion to notice ; and that, as well as the grant by William Urry to the Monks of Paisley, have, on several accounts, become memorable in the present controversy. There is little doubt, but that the former was among the number of ancient papers abstracted, by the curiosity of antiquaries, from the archives of Lord Galloway, nearly a century ago. After passing through several hands, it at length came into the possession of that intelligent genealogist, Mr Hamilton of Withaw ; and he, I am well informed, being convinced that the witness there mentioned was Sir William Stewart, the *younger* of Castlemilk, and ancestor of the present family in Lanerkshire, gave it, about 1710, to Sir William, (the father of Archibald Stuart), the then proprietor, by whom it was deposited in the charter-chest at Castlemilk. And happy were it for all parties concerned, had it been suffered to remain in the undisturbed quiet of that repository ! For the author of the Genealogical History of the Stewarts, above all others, it had certainly proved fortunate ; as, in that case, he never probably would have conceived the fancy of placing himself at the head of the House of Stewart. Lord Galloway also would then have continued in the unmolested possession of his rights ; and neither Mr Williams nor myself had the trouble of refuting a weak, though most laborious deduction of unfounded arguments. See this formerly hinted at, in p. 19. and note (N).

the Castlemilk estate, than these two charters. By accurately comparing the terms, in which Sir William Stewart is mentioned in each, it will appear, that they imply something more, than mere random designations *. There is an obvious cause for the difference in the witness's situation, when he subscribed the one and the other paper, that seems wholly to have escaped your notice. In the deed first mentioned, he is properly designed * only ' Sir William Stewart, cousin to the Earl of Douglas ;' because his brother, in the year 1411, not having succeeded to Garlies and Dalswinton (o), had not therefore resigned to him the lands of Castlemilk. But about the year 1415, as both these events had then taken place, he is described, with appropriate accuracy, not only as ' cousin to the Earl of Douglas,' but as " actual proprietor of the Castlemilk estate."

That these two Sir William Stewarts are one and the same person, there can be no sort of doubt. It is a point you yourself have successfully laboured to establish ; although you most erroneously suppose, that the *brother*, and not the *nephew*, of Sir John Stewart of Darnley, is intended in the deed (p). The utter impossibility of such a supposition we shall hereafter have occasion to show more at large, when we examine the arguments, by which your theory

(o) See p. 61. note (c), and p. 62. (d).

(p) Genealog. Hist. of the Stewarts, Part VII. p. 324—8.

theory is supported. Let it suffice, for the present, to observe, that the elder Sir William Stewart had, not only, long before, conferred the estate of Castlemilk upon his eldest son (Q), but he was a prisoner in the Tower of London at the time when it is undeniable that the former, at least, of the two charters was executed in Scotland (R).

In regard to the time of the younger Sir William Stewart's death, it is somewhat uncertain. By your investigations it seems evident, that he lived at least down to the year 1439. So kind, though inadvertent a corroboration of Lord Galloway's argument, has, however, the effect of rendering even your own account in some respects more consistent: For Sir William's successor does not appear to have been invested in the Castlemilk estate till subsequent to the period just now mentioned (S).

From the review, Sir, we have now taken of the life of Sir William Stewart, and his two sons, trust that the points intended to be proved have been made sufficiently evident. In an account of the present competition, given in your book, some of these points are so fairly stated, and on the proof or refutation you seem so candidly to rely

(Q) See p. 53. note (Q).

(R) See p. 54. note (S), p. 55. (T) and (U).

(S) The reader will find these points discussed hereafter p. 121, &c.

the issue of the contest, that, I think, I cannot do better, than transcribe the passage. "The author of this present Genealogical History, having bestowed several years in the investigation of what relates to the Dernley family, and in tracing the different branches of that family, is ready to admit, that if it can be established, by an authentic document, or by any thing deserving the name of solid, good evidence, that Sir William Stuart of Jedworth was the son of Sir Alexander, or the brother of Sir John Stuart of Dernley; or that he possessed the lands of Castlemilk, as well as those of *Dalswinton* and Jedworth, and, in consequence thereof, was sometimes designed * of Jedworth, and at other times of Castlemilk; *then* *, *and in either of these cases*, he should be of opinion, that the present Earl of Galloway must be the undoubted heir-male and representative of the Dernley family, on the failure * of Cardinal York: For it is very well ascertained, that the Earl of Galloway is descended from, and is the true heir male and representative of Sir William Stuart of Jedworth, whose son John married the heiress of *Dalswinton*." (T). No doubt, I have here committed a material error, viz. supposing it to be advanced, by Lord Galloway, that Sir William Stewart of Jedworth ever possessed the estate of *Dalswinton*, than which nothing

) Genealog. Hist. of the Stewarts, p. 316, 317.

thing can be more inconsistent with the fact ; although it is true that his eldest son did acquire it in consequence of his marriage. But this, in a likelihood, is a mere inadvertency. I shall not therefore, take the trouble otherwise to controvert it, than by referring you, in general, to Mr Williams's book.

Now, Sir, I presume to think, that all the above points, together with some others, which you have not taken into the account, are completely proved in the preceding pages. Whether the evidence in your opinion, may "deserve the name of solid " good evidence," I cannot pretend to say : But when compared with most of the proofs exhibited by yourself, it will be found, to all appearance, good and solid, and, in fact, far more consistent and satisfactory. To produce *legal* evidence of descent from Sir William, the brother of Sir John Stewart of Darnley, is, we well know, neither in your power, nor Lord Galloway's. The remoteness of the events, as well as the injuries of time conspire to forbid it. A fact, or a series of facts may sometimes be very clearly, although they cannot be just legally demonstrated ; and the proof of a succession, whether to landed property or hereditary honours, which a court of law in its official capacity would reject, may yet be such, as to bring private and individual conviction to the minds of the judges. It is upon a proof like this, *presumptive* and *circumstantial*, that we pretend to say our present argument is founded. But the presumption is so strong, and the circumstances, which corroborate

roborate it, so numerous and unquestionable, that scarcely any thing, short of legal certainty, can be figured more conclusive.

From the first appearance of Sir William Stewart in 1385, to his death in 1429, at the siege of Orleans, a period of 44 years, we have seen him sustain a consistent character. Agreeably to the acknowledged practice of that age, he adopted different additions or designations*, according to the various situations, and time, and circumstances of the transactions, in which they were assumed. Under whichever of these he chanced to appear, whether as a commander in military expeditions, a negociator in public treaties, or as a party, or a witness in private contracts, he is still seen as acting with the same associates, connected with the same friends and companions, and honourably enjoying the same patronage. Above all, we perceive him to be a younger brother of the *House of Darnley*, possessing estates acknowledged to be the hereditary property of that family, and transmitting them to his descendants. It being, therefore, once proved, that Sir William Stewart of Jedworth and Sir William Stewart of Castlemilk are one and the same person; and you having fairly shown, by the French evidence, that that person is the brother of Sir John Stewart of Darnley, it consequently follows, that he must also be son to Sir Alexander Stewart, who was the father of both.

Concerning Sir John and Sir William Stewarts, the sons of Sir William Stewart of Jedworth, we perceive that the evidence is equally clear, and

their character and conduct no less consistent. Obtaining the property of Castlemilk soon after his marriage, the elder naturally adopted that designation *, until the succession opened to the greater possessions of his lady, and induced him to bestow it, according to former usage, on his younger brother. As to Sir William, we also recognise him, in his turn, enjoying the estate ; nor was it inherited, by his successor, on the death of the first, but of the second Sir William Stewart, who, as we have shown, survived his father about ten years.

The species of internal evidence, (if I may use the expression) resulting from the transmission of landed property, is in this whole account very remarkable. It goes to show, that Sir William Stewart of Jedworth, and his descendants of Garlies and Dalswinton, originally sprung from the stock of the Lord High Stewards, and from that of Bonkill : That they indisputably are a younger branch of the *Darnley* family ; and have, in consequence, regularly inherited, and still continue to enjoy estates, which, on no other hypothesis, could have come into their possession. For the sake of perspicuity, let us here give a concise summary of the principal facts and circumstances, that constitute this evidence, in order that it may be perceived, by the reader, in one clear and connected view.

The barony* of Garlies was first conferred, by a royal charter, on Alexander VI.th Lord High
Steward

Steward of Scotland, 1263 (v); and from him it descended to his son, Sir John Stewart of Bonkill and Jedworth, 1290 (v). About the year 1320, King Robert Bruce bestowed on Sir Walter Stewart, the third son of Sir John, the lands of Dal-swinton,

(v) The charter conferring the barony* of Garlies, then in Dumfriesshire, now in the stewartry of Kirkcudbright, was granted by King Alexander III. and dated 30th November 1263. It existed in 1712, and was then in the hands of Mr Stewart of Philgill, a cadet of the Galloway family. (See Symson's Hist. of the Stewarts, p. 56.); and probably is still not irrecoverable. This is another of the curious and ancient documents obtained from the charter-chest at Galloway House.

(v) Evidence for Lord Galloway, p. 3. Sir John gave the lands of Garlies, &c. with his only daughter Isabella, who espoused Thomas Randolph, Earl of Murray. John Randolph, the next Earl of Murray, restored the barony* of Garlies, together with the lands of Cursock, Glenmanock, &c., to the descendants of the Lord High Stewards in the male line: For, Sir Walter Stewart of Dal-swinton, the third son of Sir John Stewart of Bonkill and Jedworth, received, about the year 1328, from John Randolph Earl of Murray, a charter of the lands of Garlies, &c. in which he is styled *charissimus avunculus suus*. This charter is still extant in the Earl of Galloway's possession, at Galloway House. It is, as often happened in that age, without any date: But, from the death of some of the witnesses who attest it, *an.* 1330, it is evident, that it must have been granted before that period. See the confirmation of this deed, by King David II., among the Harleian MSS., quoted p. 35. note (o).

fwinton, as a reward for his services, in the expedition to Ireland, under that Prince's brother, Edward Bruce (x).

The estate of Jedworth descended, to Sir William Stewart, from his great-grandfather Sir John of Bonkill, 1296; and it seems to have been an appanage of a second son of the Darnley family, for nearly two centuries (y). Sir Alan Stewart of Dreghorn, mentioned *an.* 1316, &c., was the second son of Sir John Stewart of Bonkill and Jedworth. He had a grant, as appears from inventories of charters in the public archives, of several lands still in the possession of the Earl of Galloway, such as those of Crosswell, or Corfwell, Drothardreg, &c. (z). And it is more than probable,

(x) See authorities from the historians of this era, p. 26. There is, relative to the estate of Dalswinton bestowed on Sir Walter by King Robert Bruce, an account of a charter, preserved in Lord Haddington's collection, in the Advocates Library at Edinburgh. It is described, *Charta Walteri Senescalli de baronia de Dalswinton, faciendo servitium quantum pertinet ad ipsam baroniam, juxta quantitatem antiquam servitii de integra baronia de Dalswinton debiti et consueti, &c.* Sir John Stewart of Dalswinton was one of the great barons, who repaired to England with King David Bruce's ransom, after the battle of Durham, in which he was taken prisoner, *an.* 1316. Rym. Fœd. Angl. tom. vi. p. 35.

(y) Evidence for Lord Galloway, p. 19.

(z) Charter by King David II. to Alan Stewart, father to John Stewart of Darnley, of the lands of Crosswell, or Corfwell,

probable, that the estate of Jedworth was also possessed by Sir Alan, and descended to his posterity, in a similar manner (A). "John Stewart of Jedworth," who is mentioned in the chartulary* of Kelso, 1323, there is every reason to believe, was Sir John, the eldest son of Sir Alan, designed* afterwards of Crookston and Darnley (B).

The

Corfwell, Drothardreg, and part of Glengary, commonly called Knockhill, in the Rinus of Galloway. Harl. MSS. No. 4609.

(A) Evidence for Lord Galloway, p. 19.

(B) The name of the same Sir John is also repeatedly mentioned in Rymer's *Fœdera*, tom. v. p. 200, 791. tom. vi. p. 34, 35, 46, 47, &c. It also occurs in Macfarlane's Collection, in the Advocates Library at Edinburgh, in a charter dated m. 1335, and in several others granted about 1344. See Evid. for Lord Galloway, p. 19. It is however, perfectly evident, that the Sir John Stewart, noticed in the text *an.* 1323, as proprietor of Jedworth, could not be the *son*, but was the *nephew* of Sir John Stewart of Bonkill; an error into which some writers have ignorantly fallen: But by the author of the Genealogical History of the Stewarts the mistake has been purposely propagated, in order to perplex Lord Galloway's extraction, and raise up for him an ancestor *of the house of Bonkill*, and yet *separate* from the family of *Darnley*. See his Genealogical Table, where he describes the 4th son of Sir John Stewart of Bonkill, as "John Stewart of *Jedwith*," (as he affects to write it); and where he affirms, contrary to all evidence whatsoever, that "*he left issue*." This writer, at his leisure, may consult the Annals of Scotland, by that judicious antiquary, and accomplished

The estate of Synlaws was granted to Sir William Stewart of Jedworth, *an.* 1385 (c), that of Minto, in 1391; and both are found descending to his posterity, in 1458 and 1476 (D). The descent of the lands of Innerwick, &c. belonging to

complished scholar, Lord Hailes, (vol. ii. p. 307), and perhaps he will there find authority to satisfy him, that the son of Sir John of Bonkill in question, killed at Hallidonhill, was not designed "of Jedwith," but of *Daldon*, as we accordingly have delineated him. (See the Genealogical Sketch, subjoined to this Letter.) This is a hope I am the more induced to indulge, on account of our author's unbounded veneration for the learned Lord, in both these characters; for, "More attention is due (he says) even to his *conjectures*, than to the *positive assertions* of many other authors, on genealogical subjects." Genealog. Hist. of the Stewarts, Part II. p. 75.

(c) See p. 33. note (L).

(D) By a charter of the lands of Minto, by John Turnbull, quoted p. 34. note (M), it appears, that they were by him disposed * to Sir William Stewart of Jedworth, *an.* 1391. And by the charters No. I. and II., in p. 42. note (T), both Minto and Synlaws are seen in the possession of Alexander, son to Sir William Stewart of Dalswinton, in the year 1548. There is likewise a charter by King James III., in the sixteenth year of his reign, 1476, of the lands of Synlaws, Merbottil, &c., in the county of Roxburgh, to Thomas Stewart, the son of Sir William Stewart of Dalswinton, on the resignation of Alexander Stewart, son and heir-apparent to Sir William Stewart. Public Records, B. viii. chap. 29c.

o Lord Galloway, affords, moreover, an additional instance of a similar progression (E).

As to the estate of Castlemilk, the line of succession in which it has been traced, is likewise remarkable. Its first appearance was in the hands of Sir John Stewart of Darnley, *an.* 1387 (F). By him it was conveyed to his brother Sir William Stewart of Castlemilk and Jedworth (G); and it passed, afterwards, successively to his two sons, Sir John and Sir William Stewarts (H).

The fact we have above noticed, relating to the disputed succession to the lands of Minto, the property of Sir William Stewart of Jedworth, is likewise convincing. His lineal heirs, instead of remaining (as your theory would require) in a state of inconceivable apathy for seven-and-twenty years, immediately claimed the estate; and accordingly, Sir William Stewart of Dalswinton regularly made up* his titles in 1429, on the fall of his grandfather, before Orleans (I).

To

(E) Evidence for Lord Galloway, p. 19.

(F) See two original deeds, in the possession of the Duke of Montrose, described p. 49. note (1).

(G) Genealog. Hist. of the Stewarts, Part III. p. 108, III.

(H) See grant, by William Urry, to the Monks of Paisley, cited p. 53. note (Q). And the charter by the Earl of Douglas to John de Park, p. 67. note (N).

(I) See p. 46. also note (E) thereon.

To this multiplied evidence may very properly be added the circumstance of the patent, by King James VI. of Scotland, and I. of England, creating Sir Alexander Stewart of Dalswinton Lord Garlies, in 1607. By that grant it appears, that he was raised to the peerage principally on account of his descent from *the Stewarts of Darnley* (κ). Such is not only the reason specifically assigned in the patent; but, in order to give every possible force to this authoritative document of his genealogy, King James, who was himself paternally descended from that family, commissioned Ludovic, Duke of Lennox, then at the head of the house of Darnley, to invest Sir Alexander with the intended honour. The precise time, when the house of Darnley acquired a right of succession to the title of Lennox, is likewise hinted at, in the patent, as the period, when 'the family of Garlies branched off from that house. And this, it is well known, was by the marriage of Sir John Stewart of Darnley, about 1390, with Elizabeth, daughter to Duncan Earl of Lennox.

From the nature, Sir, of the narrative, and the proofs which we have now delivered, some parts will seem more, and others less conclusive, to the impartial reader. Taken as a whole, there is a congruity in the evidence, which is striking and uniform throughout. It is founded on facts; it is corroborated by charters; it is fortified and confirmed

(κ) See a copy of the Patent at full length, appendix No. I.

confirmed by history and probability ; and, in a word, doubted by nobody but yourself. Besides, it possesses this never-failing characteristic of truth, that all the links in the chain tend more closely to bind, to consolidate, and to strengthen one another. Yet, as to your pretensions, I will candidly acknowledge, were the Stewarts of Galloway, Blantyre, and a few others only exterminated, no person would be found so unreasonable as to deny, that you were *then* heir-apparent and representative of the Cardinal de York.

PART SECOND.

WE will now proceed, according to our plan, to attempt a refutation of the principal propositions on which you seem to rest your claims to be Representative of the House of Stewart ; to which shall be added some farther authorities and arguments, tending to evince the fallacy of your entire system. Let us first, however, just glance at the concise and easy method you adopt, to new-model the Genealogy of the House of Bonkill.

Concerning the original descent of the STEWARTS in general, and of the line of BONKILL in particular, you do not dissent from other writers. Down to the year 1398, when Sir William Stewart of Jedworth and Castlemilk appears in Ry-

L

mer's

mer's *Fœdera*, your account pretty nearly coincides with that which has been given, in the foregoing pages. But, from this point of time, you think proper to deviate into a path peculiar to yourself. Determined not to leave Sir William in possession of his two sons, (the elder the progenitor of Lord Galloway, and the younger of the Stuarts of Castlemilk), you arbitrarily strike off an entire generation from your new series. Thus, having got rid of the great dilemma of two Sir William Stewarts in the same age, you next proceed to make up* formal titles to the elder for your own ancestor Sir David ; and thence demonstrate, with a most successful complacency, how these titles are vested in yourself.

But the exemplary conduct of Lord Galloway might surely have excited you to a more becoming affection for an acknowledged kinsman. Instead of unkindly dismissing all concern for *your* genealogy, he has not only deduced his own lineage, but as carefully pointed out and established that of Castlemilk. In the *Genealogical History* of the Stewarts, on the other hand, the Noble Earl is treated with the most frigid indifference ; and neither himself, nor his race, at least in the paternal line, is so much as allowed a place in your table of generations. “ Sir William “ Stuart (you tell us) was a quite different person from Sir William Stewart of Jedworth.— “ And *it may be true*, (you add), that he was *descended from the same stock* with the Stuarts of “ Dernely ; but he must have come from that “ stock

“stock some generations antecedent to the time
 “of Sir Alexander Stuart of Derneley (L)”.
 Thus, the Nobleman in question is fairly lopped
 off from the trunk of the Genealogical Tree,
 which you have reared and watered with so much
 industry. He is, without compassion, left to ad-
 here to any vacant twig he may be able to seize;
 and from thence is permitted to extend his bran-
 ches in what direction soever he thinks fit, so as
 they neither overtop nor impede those of “Derne-
 ley and Castlemilk.”

It is thus far only that we have any concern
 with your new system. With respect to all that
 precedes, as well as all that follows, the age of
 Sir William Stewart, it is, as I have said above,
 foreign to the present argument. You boast of
 the extraordinary light you have thrown on the
 preceding ages. No doubt, in a series of genera-
 tions, extending through several centuries, some
 errors had been committed by the ignorance, and
 some doubts had arisen from the contradictions, of
 genealogists. Of the former class we have no-
 ticed several, meritoriously exposed by your di-
 ligence; while others of the latter you have so
 completely overwhelmed with a prolixity of elu-
 cidation, that, at this moment, they are more un-
 certain than before.

The true question between yourself and Lord
 Galloway, may now be brought into a narrow
 compass. “1st, Is the Sir William Stewart of
 “Castlemilk,

“ Castlemilk, who was one of the conservators of
 “ the peace in 1398, the only possessor of the
 “ Castlemilk estate, from that period to the time
 “ of his death, in 1429, before Orleans? 2dly,
 “ If he is not, were the intermediate proprietors
 “ the sons of Sir William Stewart?” Could the
 former of these questions be answered in the af-
 firmative, I freely acknowledge, that your claims
 would be established. But if the negative of the
 first, and the affirmative of the second proposition,
 are consistent with the fact, (as we have proved
 them to be), then it indubitably follows, that
 your pretensions must fall to the ground; as the
 eldest son of that same Sir William Stewart is, on
 all hands, admitted to be the progenitor of the
 Earl of Galloway.

It is in order to arrive at conclusions the con-
 verse of these, that an *immediate* connection be-
 tween Sir William Stewart of Jedworth and Cas-
 tlemilk and Sir David, your ancestor, is created.
 For the support of that theory the propositions
 you undertake to prove, may fairly be reduced
 to the four following; and these we shall atten-
 tively examine in their order.

I. “ That Sir William Stewart of Castlemilk,
 “ mentioned, in Rymer’s *Fœdera*, as one of the
 “ conservators of the peace in 1398, is the same
 “ person as the Sir William Stewart, brother to
 “ Sir John Stewart of Darnley, killed, *an.* 1429,
 “ before Orleans.

II. “ That

II. " That a Sir William Stewart, said to be put to death, with barbarous cruelty, by Henry Piercy, surnamed Hotspur, after the battle of Homildon, in the year 1402, is Sir William Stewart of Jedworth, the ancestor of Lord Gallo-way : Or, at least, he is that Sir William Stewart, who, on the part of the Noble Earl, is asserted to be the same person as the elder Sir William Stewart of Castlemilk.

III. " That John Stewart of Castlemilk, who appears as proprietor of that estate in 1409, is wholly an ideal character ; and that no such person ever existed, in the succession of the Darnley, or Castlemilk families.

IV. " That Sir William Stewart, designed of Castlemilk, some time between the years 1410 and 1424, is the self-same person as the Sir William Stewart, also designed * of Castlemilk, *an.* 1398, and mentioned as one of the conservators of the peace, at that period."

As to the Ist Proposition, " That Sir William Stewart of Castlemilk, mentioned in Rymer's *Fœdera*, as one of the conservators of the peace in 1398, is the same person as the Sir William Stewart, brother to Sir John Stewart of Darnley, killed, *an.* 1429, before Orleans." I must know, Sir, that you have made this appear in a manner the most satisfactory. No genealogical writer ever laboured a point with more unwearied

ried investigation, or more convincing arguments. The successful researches which you made in France in 1789, have enabled you to place the close connection of those two remarkable brothers in a pleasing point of view ; and Lord Galloway, of all men, is most peculiarly indebted to you, for thus elucidating the hitherto doubtful transactions of your mutual ancestor. To substantiate, indeed, any other portion of the evidence, when compared with this, was an easy task. The materials which composed the former, were mostly to be sought for in our own country. And it seems at least doubtful, whether the nobleman just now mentioned, would have felt the same genealogical ardour as yourself, and purposely visited, with such patient industry, the public offices at Paris, the Chapter-house at Orleans, or the palace of Aubigny (M).

2d.

(M) If the reader is curious to learn the particulars of this important visit, by the author of the G. H., to France, and particularly to Orleans and Aubigny, we must refer him to the work itself. He will there be gratified with many memorable and interesting facts. He will find, that the bodies of the two brothers were *mis en sépulture, dedans la grande église, diète Sainte Croix, là où il se fêst pour eux beau service divin.* (Hist. du siege d'Orleans (trouvé dans la Maès ou de Ville (Fol. 14.) *Et que ce Seigneur (Jean Stuart) prévoyant sa mort, dans les hazards ordinaires de la guerre, avoit fait son testament, et fondu, dans la chapelle, une masse haute à perpétuité, tous les jours à l'issue des matinées, à laquelle les enfans de chœur doivent assister.*" Thaumassiere, Hist. de Berry. Besides all this, the reader will learn that

there

II^d Proposition: "That a Sir William Stewart, said to be put to death, with barbarous cruelty, by Henry Piercy, surnamed Hotspur, after the battle of Homildon, in the year 1402, is Sir William Stewart of Jedworth, the ancestor of Lord Galloway; or, at least, he is that Sir William Stewart, who, on the part of the Noble Earl, is asserted to be the same person as the elder Sir William Stewart of Castlemilk."

It is related in the *Scotichronicon* by Fordun (v), and by Winton in his *Chronicle*, that a nobleman named, by the former writer, "Sir William Stewart of the Forest," and, by the latter, "Sir William Stewart of Teviotdale," was taken prisoner.

re are, (or were in 1788), in the Chateau d'Aubigny, any *family pictures* of "the Stewart race:" That, in the dining-room, there is a full length portrait of *Jehan Stuart, and Connétable de l'armée d'Ecosse*: That it is painted on wood, and in the most perfect state of preservation. Besides, any rare likenesses of other members of the family are gently described, and the frames golden and wooden most minutely enumerated. What has *now* become of all these shall, from a perfect respect for the feelings of the author, not even presume to conjecture. See *Genealog. Hist. the Stewarts*, Part III. p. 153,—159. Part IV. p. 209,

v) Properly speaking, it is in the continuation of Fordun's work, by Walter Bowmaker, that the occurrence in question is recorded. Walter Bowmaker was Abbot of St. Andrews, and flourished in the beginning of the 15th cen-

soner by the English, at the battle of Homildon. Under colour that in his youth he had been a subject of the King of England, he was successively tried by three different juries for treason: But so ably did he plead his own cause, that he was acquitted by all the three. A fourth jury, composed of the creatures of Piercy, was then assembled, which unjustly condemned him. Thus a most accomplished person, whose innocence was acknowledged by the English themselves, was executed as a traitor: But, in fact, he fell a victim to the rancour of an enemy (o).

The circumstances of this trial you particularly state from Fordun, and Winton. You confident

(o) *Captus ibi fuit valens miles, et inter sapientes primus. Dominus Willielmus Stuart de Forestâ; et coram Domino Henrico Piercy juniore de traditione falso adjudicatus, pro quod, cum puer esset, antiquam Thevidalia venit ad pacem regis, ipse, sicut ceteri, de patriâ Anglicatus erat de necessitate. De hoc acrius accusatus, sed sagaciter suâ propriâ peroratio defensus, tres Anglorum assisas tanquam immunis evasit. Sed et dictus Piercy, qui Hotspur dicebatur, inveteratâ excandescens malitiâ, probitati nimium et sapientiæ militis invidens non passus est ipsum sic libertati donari. Sed et de assentantibus suis novâ assisâ electâ præponerè, et perperam condemnatur, et tanquam traditor tractus et demembratus, innocens martyr pro justitiâ passus, à plerisque etiam Anglis reputatur.* Scotichron. tom. ii. p. 434.

Schire William Stewart of Teiidale

That day wes tane in that battale, &c. &c.

Wint. Chron. p. 401.

ly assert, that Sir William Stewart "of the Forest," and "of Jedworth Forest," means "just the same thing;" and then observe, with extraordinary triumph, that "there can be no reliance on any historical fact whatever, if credit is not due to this fact relating to Sir William Stuart, ascertained as it is by contemporary authors of great reputation, who could have no inducement to falsify the fact; and who, if they had invented the story of the trial and execution of Sir William Stuart, could so easily have been detected; which would have ruined their character for veracity, and destroyed the credit of the histories they were then giving to the public." (P).

Were Sir William Stewart of Jedworth, the brother of Sir John Stewart of Darnley, the only person of the name existing at this period, such a mode of reasoning would be perfectly conclusive. But we shall immediately show, that there were two *other* Sir William Stewarts, to whom the trial and execution, by order of Piercy, are far more applicable. Where no fewer than three different persons are found, of the same name, and of similar characters, in one and the same age, it must often be productive of sufficient perplexity to the historian, as well as to the biographer or genealogist. Whether it happen, that the transactions of such men be misrepresented by design, confound-

M ed

(P) Genealog. Hist. of the Stewarts, Part VI. p. 320,
321.

ed by ignorance, or mingled by accident, the consequences are the same. They never fail to afford some plausible foundation for almost any superstructure, that ignorance or fancy may chuse to erect upon it.

It is certain, Sir, in this part of your argument, that you have at least the merit of making every use, which such a circumstance is capable of supplying. Yet, in my judgment, Lord Galloway may look, with the most perfect indifference, on the execution of the unfortunate gentleman after the battle of Homildon. It is easily demonstrable, that Sir William Stewart of Jedworth is neither named nor intended as the sufferer in question. And even, if he were, strong concomitant circumstances indeed would be requisite, to overthrow the proofs, we have already adduced, of his subsequent transactions; especially when the existence of two other cotemporaries was notorious, for whom, at this distance of time, he could so easily be mistaken.

This prisoner is named by Fordun Sir William Stewart "of the Forest" (*de Foresta*): But it by no means follows, that the writer thereby intended the *Forest of Jedworth*. Etterick Forest, or the Forest of Selkirk, is at least as probable; and the Forest in Angus-shire, or other Forests in different quarters of the kindom, might equally have been implied by so very vague a description (Q).

To

(Q) I am not acquainted with any designation*, that more truly merits the epithets vague and indeterminate, than the designation

To this it may be objected, that no part of Selkirkshire, or at least of the county of Angus, had ever been subdued by the English; and that, therefore, the designation*, unless derived from an estate that could have been alienated by forfeiture, does not constitute a case in point. Such an objection, however, will be found of little weight, when it is considered, that, in this age, the same person, at different times, certainly used very different designations*, according to the extent or variety of the property he possessed; and that a writer, in recording

designation* "of the Forest." In a country, where there were such numberless forests (i. e. tracts once covered with wood, but now, whether wooded or not, still retaining the original appellation) it is plain that we must be unable to determine, from the word "Foresta" alone, the particular situation of the Forest intended. It were endless to enumerate examples of its various application in early times. I shall content myself with two only. The one is just at hand, having already occurred in p. 67. note (N), where the "*Ecclesia Beatae Mariæ de Forestâ*" is recorded. The other is in Hummingford's account of the death of Sir John Stewart of Bonkill, at the battle of Falkirk, *an.* 1298, occasioned by a fall from his horse, while giving orders to his archers "*of the Forest of Selkirk.*" *Inter quos, frater Senescalli Scotiæ, cum ordinasset viros sagittarios de Forestâ de Selkirk, casu ex equo cecidit, et inter eosdem occisus est*, tom. i. p. 165. I believe of the first example no person will pretend to say (like the author of the G. H.) that it "*must*" mean Jedworth Forest; nor concerning the second, that Jedworth is the *only* Forest, which was situated in that district of Scotland.

ording an historical fact, would naturally adopt that mode of description, by which his hero was most generally known, or under which he had rendered himself most particularly celebrated. Thus, it will be found impossible to produce an instance, from any history, or chronicle, or charter of the times, where Sir William Stewart of Jedworth and Castlemilk is obviously mentioned, and where he is mentioned by the designation* of "Sir William Stewart of the Forest." The same observation applies, though not with equal force, to the addition used by Winton. "Of Jedworth," "of Castlemilk," sometimes "Sheriff of Teviotdale," and even simply "Sir William Stewart," (where concomitant circumstances otherwise identify him); these are the only descriptions under which the brother of Sir John Stewart of Darnley is known to us; and we cannot consent, on your single assertion, to recognise him under any other.

On this train of reasoning it is not my desire to lay extraordinary stress. Yet it may serve the purpose of acting collaterally in corroboration of other undeniable evidence, which, on any other supposition but the solidity of the former, would be most contradictory and preposterous. Sir William Stewart of Jedworth, at the time of action at Homildon, was detained a prisoner in England, and confined in the Tower of London (R). He had been taken, as we have above shown, in conjunction with

(R See p. 54. and note (s), and p. 55. (T).

with his constant companion Sir John Turnbull, surnamed "Out with the Sword," and other chieftains, about the end of the year 1400, in an irruption into England. Accordingly, after his release, he appears as one of the Scottish commanders in the expedition to France, together with the same Sir John Turnbull. All writers agree, that the following distinguished persons embarked for the continent on this occasion; the Earl of Buchan, the Earl of Wigton, Sir John Stewart of Darnley, Sir William Stewart, Sir John Swinton, Sir John Turnbull, &c. But, lest any doubt should remain as to the identity of the brother of Sir John Stewart of Darnley, he is expressly described as "Sir William Stewart lately delivered out of prison;" having regained his liberty, as has been already related, soon after the accession of Henry V. to the English throne (s).

Nor does the character or conduct of Sir William Stewart of Jedworth in anywise accord with the charge made by Piercy, against his ill-fated prisoner. To suppose that the former had ever gone over to the English interest, is an idea adverse itself to historical fact, and countenanced by no circumstance in the life of that patriotic chieftain. On the contrary, when a part of Teviotdale, or Roxburghshire, was reduced by the English, the lands of Abercorne, situated in a different
part

(s) See p. 55. and note (v).

part of the kingdom, seem to have been conferred on him by his patron the Earl of Douglas (τ).

On attentively comparing the different accounts of the battle of Homildon, with ancient charters still existing in relation to the times, it is evident, that there are no fewer than two persons of the name of William Stewart, *independent* of Sir William Stewart of Jedworth, on whom it is reasonable to think that the vengeance of Piercy might naturally have been wrecked. There was a Sir William Stewart, designed * “ of Angus,” who, from charters, is well known to have lived about this period (υ). In the *Scotichronicon*, he is represented as present at the battle of Homildon. That person possibly was sometimes designed * “ of the Forest,” that is, of the Forest of Angus; and we have no reason to believe, that, in his youth, he was not a subject of the English Monarch. There is besides another William, or Sir William Stewart, in the same age, who appears, by a charter dated about this time, to have forfeited his lands in the barony * of Maxwell, in Roxburghshire; and these were, in consequence, bestowed
or

(τ) See p. 50. and note (κ).

(υ) This Sir William Stewart appears in several charters, cited by David Symson, historiographer for Scotland whom we have more than once spoken of; particularly among the Harleian MSS. N^o 6432. See likewise Evidence for Lord Galloway, p. 16.

on John Maxwell, the person in whose favour that charter is granted (v). As the circumstance of the forfeiture entirely corresponds with the allegation of Piercy, it is more than probable, that the person here alluded to was the object of his persecution, and, in the end, suffered by his cruelty.

Thus, on the one hand, we have made it clearly appear, that there are two William Stewarts in this era, of whom neither can, with any colour of reason, be objected to, as objects of the trial and execution after the battle of Homildon. On the other hand, it has been proved, concerning the third, Sir William Stewart of Jedworth, that he could, in no view, have stood in that predicament, being a prisoner, at the time, in a distant quarter of the island. To make use of your own words on this occasion, "There can be no reliance on any historical fact whatever, if credit is not due to this fact relating to Sir William Stewart, ascertained as it is by authors of great reputation, who could have no inducement to falsify the fact." We cannot, therefore, entertain a doubt, that he having survived the battle of Homildon, and was actually killed before Orleans, in the year 1429.

Perhaps

v) The charter here alluded to, occurs in the authenticated inventory of Scotch charters, which has been already cited. It grants to "John Maxwell the lands of Follaw, in the barony* of Maxwell, in Roxburghshire, vacated by the forfeiture of William Stuart, ward." Harl. MSS., 4609.

Perhaps it may be thought, from the length of these reasonings, that we have laboured this point with an unnecessary minuteness. But it is the part of your theory, which, if not solid, wears at least the semblance by far the most specious. Accordingly, you appear very highly to value yourself on its importance. You seem to have regarded it as a strong-hold, most securely fortified, from which you could be driven by no strength of facts nor ingenuity of reasoning. As its feeble works however, are now undermined, and tottering to their fall, you must at length descend into the field of open argument. In an equal conflict, you will be reduced to confide in your own proper strength, without the shelter of common names, and of the doubt and perplexity of similar designations. Such a conflict, I trust, will in some sort be inevitable, in the course of our survey of your next proposition.

III^d Proposition: " That John Stewart of Castlemilk, who appears as proprietor of the estate, in 1409, is wholly an ideal character and that no such person ever existed, in the succession of the Darnley or Castlemilk families."

You set out with observing the gross ignorance of Crawford, in his account of your family, which he has delivered in his history of the county of Renfrew. Among other errors, he has had the audacity to state, from the Chartulary* of Paisley, that " John Stewart, the son of Sir William, (wh

“ was brother (x) to Sir John Stewart of Darn-
 “ ley) possessed the estate of Castlemilk in 1409.”
 Upon this fable, you say, the author of the Evi-
 dence for Lord Galloway has obviously proceeded,
 and raised the whole superstructure of his state-
 ment concerning the genealogy of the Dalswinton
 and Castlemilk families. You have “ proved,
 “ (you observe) in the most conclusive manner,
 “ that the same Sir William Stuart, who is admit-
 “ ted by Lord Galloway to have been the brother
 “ of Sir John Stuart of Dernley, continued to live
 “ till the year 1429, when he was killed in France,
 “ at the same battle with his brother. This fact
 “ has been established beyond the reach of contro-
 “ versy; and not only admitted, but founded*
 “ upon by Lord Galloway himself, who says, that
 “ his ancestor Sir William Stuart of Castelmilk,
 “ whom he holds to be the same with Sir William
 “ Stuart of Jedworth, lived till the year 1429,
 “ when he was killed during the siege of Orleans.
 “ It is scarcely necessary, therefore, to appeal to
 “ the charters before mentioned, granted by the
 “ Earl of Douglas in 1411, for proving that Sir
 N “ William

(x) Crawford has inadvertently said the “ younger son,”
 instead of “ younger brother,” of Sir John Stewart of Darn-
 ley, probably a typographical error. Hist. of Renfrewshire,
 p. 92. I do not, however, stand up for the accuracy of the
 whole of his account of the Castlemilk family here deliver-
 ed, which has so greatly roused the indignation of the au-
 thor of the Genealog. Hist. See Part VII. p. 328.

“ William Stuart of Castelmilk was alive in the
 “ years 1409 and 1411; for, if he lived till the
 “ year 1429, which it is admitted he did, he ne-
 “ cessarily must have been alive also in the years
 “ 1409 and 1411, and all the years which inter-
 “ vened, between the time of the first mention of
 “ him in Rymer’s *Fœdera* in 1398, and the time
 “ of his death in 1429. The certain fact is, not
 “ only that Sir William Stuart, the proprietor of
 “ the lands of Castelmilk, was alive in the year
 “ 1409, but that he continued to live for twenty
 “ years thereafter*, till he was killed in France,
 “ in the same battle with his brother in 1429.”
 (Y).

This reasoning, no one will deny, is equally
concise and cogent. But, lest the obstinate reader
 should still remain unconvinced, and still believe
 in the ill-timed intrusion of a “ John Stewart of
 “ Castelmilk” among the generations of your an-
 cestors, you have yet another argument in store
 for him. Like all unanswerable arguments, it is
 reserved to the last, and is to confound and over-
 whelm alike, the audacious Crawford, and the in-
 genious Mr Williams, with all their adherents and
 abettors. The foregoing, you declare, “ is not the
 “ only answer to the inferences and arguments
 “ drawn by George Crawford and his followers
 “ from the supposed existence of a John Stuart of
 “ Castelmilk, in the year 1409. There is a fur-
 “ ther

(Y) Genealog. Hist. of the Stewarts, Part VII. p. 332,
 333.

“ther answer in point of fact, which, on the part
 “of the Stuarts of Castelmilk, is confidently as-
 “serted, to wit, that there *never was a John Stu-*
 “*art proprietor of the lands of Castelmilk*, either in
 “the year 1409, or at any other period in the
 “15th century. They are confident that it will
 “not be in the power of any person whatever to
 “produce *real solid evidence* of a John Stuart,
 “proprietor of the lands and estate of Castelmilk,
 “excepting Sir John Stuart of Dernley, who was
 “Lord of Castelmilk, in the year 1387, as already
 “mentioned. The family of the Stuarts of
 “Castelmilk, in the county of Lanerk, connect
 “their pedigree *directly* with Sir William Stuart
 “of Castelmilk, Knight, mentioned in Rymer’s
 “Fœdera, in the year 1398, who lived down to
 “the year 1429; and, as they do not connect
 “their pedigree in any shape with a John Stuart
 “of Castelmilk, whom they consider as *an ideal*
 “*person*, they are under no obligation to account
 “for that John Stuart, or to remove him out of
 “the way. It is the business of those who found *
 “upon that John Stuart, to prove what relates to
 “him, and to show that he was at some period
 “proprietor of the lands and estate of Castelmilk,
 “and representative of the Castelmilk family.”
).

To overthrow this whole reasoning, and there-
 fore save you so severe a labour as would be requi-
 site

2) Genealog. Hist. of the Stewarts, Part VII. p. 333,

site to "remove out of the way, an *ideal person*," will, I imagine, not be difficult, in as far at least as regards the existence of John Stewart of Castlemilk, *an.* 1409. For that purpose, I shall state only a single fact. Sir William Stewart of Jedworth, in the contract for the marriage of his eldest son, with his cousin the heiress of Dalswinton (as has been shown on the most unquestionable evidence) (A), engaged to invest him in landed property to a certain extent. This, it is presumable, even on the face of the transaction, was the estate of Castlemilk, which lay immediately contiguous to his lady's property. As it happens however, it is a point not left merely to presumption or conjecture: For he actually appears *an.* 1409, as a witness to a charter recorded in the Chartulary * of Paisley, wherein he is designed *John Stewart of Castlemilk* (B). The occasion on which he relinquished the property in favour of his younger brother, afterwards Sir William Stewart, viz. his succession to Dalswinton, is equally natural, and equally consistent with existing documents: And from the latter it regularly descended to Sir David Stuart, the unquestionable ancestor of the Stuarts of Castlemilk in Lanerksire.

On the existence, Sir, of John Stewart of Castlemilk, or his possession of the estate in 1409, should not think it necessary to say another word

at

(A) See p. 51, 52. *anteb.*

(B) See p. 53. *anteb.* and note (C). Append. N^o I

after quoting the respectable record in which it is preserved, had you not thought proper to question the fact. That record is an authentic copy of the Chartulary * of Paisley, among the Collections of Father Hay, in the Advocate's Library at Edinburgh ; a MSS. of established character, and uniformly referred to by all writers on Scottish genealogy or antiquities. No impartial person, therefore, will entertain a doubt, that John Stewart of Castlemilk, there mentioned, is the same, who afterwards became Sir John Stewart of Dalswinton, and was eldest son to Sir William Stewart of Jedworth. The regular succession to the lands of Castlemilk, as an appanage of the house of Darnley, has been clearly stated ; and, besides the entire consistency of that account, we will boldly challenge the author of the Genealogical History of the Stewarts to produce any *other* person, of the same name, in this period, and not already invested with the knighthood, who could form the slightest pretensions to the Castlemilk estate. The existence, then, of the proprietor in question, we are warranted to maintain, because it rests on an actual document. Your theory, which would destroy it, we are equally warranted to disbelieve, because it has nothing to support it but your own assertions.

The truth is, in making out the claims you resolved to assert, it was from the beginning evident, that either the cause must be abandoned, or the two brothers, Sir John and Sir William Stewarts, got

got rid of at all events. With the younger brother you found it easier to deal. The circumstance of his carrying the same name as his father, suggested the easy expedient of confounding them with each other, and in this manner keeping the son wholly out of sight. The scheme, likewise, on another account, appeared the more feasible, as it threw no obstacle in the way of connecting the pedigree of your ancestor, Sir David, directly with a Sir William Stewart, viz. the elder Sir William of Castlemilk. His existence till 1429 (which nobody denies) is accordingly maintained, with no small labour of argument; and you imagine it is to destroy that of John Stewart his successor in the property. But there is another method of getting quit of the latter so curious in itself, that it is particularly deserving of the reader's attention.

With this view you endeavour, in a long discussion, to undermine the authenticity of the Chartulary* of Paisley altogether. It is not, you observe, the original Chartulary* that belonged to the Monks, but a copy only, preserved in the Advocate's Library at Edinburgh: That, in the paper derived from this record there is evidently some material omission or inaccuracy: the testing* clause describes the witnesses as "*the said* "*witnesses;*" and yet the name of the very first, John Stewart of Castlemilk, is nowhere to be found in the body of the deed: That, on this account, it would be necessary for the original Chartulary*

to

to be discovered ; by which means something certainly would occur, in the former part of the instrument, more particularly pointing out what related to this John Stewart, who, you have little doubt, would then appear to be merely a *tenant* or *portioner* of the estate, and not the real proprietor of Castlemilk : And all this you declare to be very clear and undeniable, because by your own hypothesis it had been laid down, that the elder Sir William Stewart, from 1398 to 1429, was the only possible possessor (c).

Before I was so well acquainted, as I now am, with your mode of reasoning, I naturally concluded, from these confident assertions, not only that the copy of the Chartulary* of Paisley was a record of no authority whatever, but that the document we have quoted from it, the Resignation of William Urry to the Monks, was some imperfect fragment, of which the clauses were broken and defective, and the sense, at least as far as regarded the testing* clause, entirely unintelligible. On this, I applied to the Advocates Library, for an accurate transcript of the deed, and was agreeably surprized to find it a most exact notarial* instrument, complete and perfect in all its parts. It is subjoined in the Appendix, for the greater satisfaction of the reader (d).

William Urry of Fulton, as it thereby appears, previous to the 9th of January 1409, had resigned

(c) Genealog. Hist. of the Stewarts, Part VII. p. 330,

(d) See Appendix, No. II.

ed his estate of that name, under certain conditions, to the Abbot and Monks of Paisley, in which deed there were three witnesses, " John Sempill, Lord of Ellynston, Sir Robert de Maxwell, Lord of Calderwood, and John Wallace, Lord of Ellerslie (E)." Some time after, at the requisition of the Abbot and Monks, a notary was employed (by name John Hawke) to draw up a regular instrument concerning the entire transaction (F); and the instrument was executed in consequence, on the 9th January 1409. On this occasion, not only the *three former* witnesses again came forward to attest the resignation, but *five new ones* were added to them, namely, " John Stewart of Castlemilk, Thomas de Crawford, John Logan of Restalrig, Master Christopher Towninfrat, and Walter Bruce, Rector of Crawford and Kilpatrick (G)," making in all eight witnesses. The notary, therefore, when he came to the testing clause*, was proceeding to enumerate, for the *second* time the three persons first mentioned, naturally through in the word *dictis*, (the *said* witnesses); although it is apparent, on the face of the business, that that term, strictly speaking, could allude to five of the number only, as had been named before. Perfect grammatical accuracy, in such writing

(E) See Appendix, No. II. A & B.

(F) See *Ibid.* C.

(G) See *Ibid.* D.

was never either practised or expected. But no man, in the case in question, will say, that the error is very flagrant, or that there is the smallest room to suppose any chasm or omission in the instrument.

As to the manner in which Father Hay came by the papers he has so meritoriously transcribed, it is of little moment in the present question. Of the originals of these, several fortunately are still extant; and, from the uncommon correctness and fidelity discoverable in the copies, a well-grounded reliance has been entertained, respecting those of the documents which are lost. It is almost unnecessary to add, that the charters of the Abbey of Paisley are among the number last mentioned.

Here, Sir, is a most obvious solution of all your difficulties. I suppose, of course, that you must have examined the Chartulary* of Paisley, in the Advocates Library; in which case, it exceeds my comprehension how any man, much less versant in business than you undoubtedly are, should ever have hazarded an argument, on grounds so completely frivolous. One of two things it argues, either a most consummate idea of your own address, or an equal conviction of no common weakness in those, who, on the part of Lord Galloway, were probably to oppose it.

Had you sufficiently inquired into the circumstances we have just now laid open, a great part of the discussion, through which you have toiled from p. 328, to p. 335, would probably have been spared.

red. Instead of substituting the uninterrupted existence of a Sir William Stewart of Castlemilk, as the proprietor of the estate from 1398 to 1429, (a theory of your own), instead of the authenticated fact respecting John Stewart as the possessor in 1409. and then subverting the existence of the latter, on the ground of the former's ideal right of possession, you should have so constituted your genealogical hypothesis, as at least not to have clashed with acknowledged authority. Were a man, for example, to disbelieve the existence of Henry IV. of France, and, as the ground of his opinion, to exhibit some fanciful genealogy of his own, in regard to the Valois or Bourbon families, what should we think of such a reasoner? Were he gravely to declare, that the illustrious Prince, just now mentioned, must be an *ideal* character, merely because the transactions of his life happened to interfere with his own new system of genealogy, what sort of answer should we think it necessary to give him? I am far from asserting, that there remain proofs as cogent and multiplied, of the life of John Stewart of Castlemilk, as of Henry IV. of France, That, indeed, were to lose sight of the essential distinction between legal and presumptive evidence. But still the latter, in any question, must remain good, as long as the former cannot be employed to overthrow it: And I hold it to be as preposterous, and as truly subversive of all relevant testimony, to deny the existence of a private individual, clearly authenticated by a solemn document, as if he had sat upon

upon a throne, or conspicuously figured in the annals of a kingdom.

But, Sir, when you made your objections to the Chartulary* of Paisley, or Father Hay's Collections, as an authentic register, I am inclined to think, that a few material circumstances had escaped your recollection. In the first place, you had forgot, or neglected to inquire respecting, the character which those papers bore, in the estimation of the world. Secondly, you did not reflect upon the vast number of proofs brought forward by yourself, that are founded on *copies*, considered as genuine, of authentic documents. And, thirdly, you beyond all doubt had forgot, that, in more than one instance in your book, you have actually cited this same mutilated, imperfect, and doubtful Chartulary* of Paisley itself! To point out the various passages where copies of deeds of every sort are adduced as relevant evidence in the Genealogical History of the Stewarts, were an endless, as well as an unnecessary task. I shall, therefore, refer in general to the work. In regard to your opinion, on other occasions, of the Paisley register, we find, that it is respectfully appealed to, among your proofs of the existence not only of Sir John Stewart of Bonkill (H), but of
Sir

(H) " There are many documents, wherein Sir John Stewart is described as brother of James the Steward of Scotland. Amongst* others, there is a charter of confirmation*, dated ' *Apud Nigram Aulam, an. 1294, die*
" *Dominicá,*

Sir Alexander Stewart of Darnley (I), of Robert his son (K), and of your own immediate ancestor,
 Sir

“ *Dominica, infra octavas Epiphanie Domini*, by James, “ the Steward of Scotland, confirming certain privileges “ granted to the Monastery of Paisleth, to which charter “ *one of the witnesses* is “ *Johannis Senescalli, frater meus.*” “ This charter is in the *Chartulary** of Paisley, p. 147,— “ 151.” (Father Hay’s Collections, Advocates Library, Edinburgh.) Genealog. Hist. of the Stewarts, Part II. p. 44.

(I) “ The next mention of Alexander Stewart now to “ be stated, is a charter, to which he was *one of the wit-* “ *nesses*, and wherein he is described, *Dominus Alexander* “ *Senescallus, Dominus Cruickiston*, viz. Charter by Robert “ the High Steward, and by his son John, Lord of the ba- “ rony* of Kyle, in favour of the Monks of Paisley, *insert-* “ *ed in the Chartulary* of Paisley, folio 127, of the copy* “ *thereof in the Advocates Library at Edinburgh.* The “ charter itself has no date ; but *Mr Hay, in whose book a* “ *copy thereof is inserted*, has supposed it to have been “ granted in the year 1367.” Genealog. Hist. of the Stewarts, Part II. p. 79. Here there appear *no doubts* of the correctness of Father Hay’s Collections. His judgment as an antiquary is likewise appealed to, to ascertain the date of this charter, which is of some importance in the author’s proofs.

(K) “ In the *Chartulary** of Paisley, p. 329, 240, there “ is a charter, dated in the year 1397, granted by John “ Blair of Adamtoun, to the Monks of Paisley, to which “ *one of the witnesses* is “ Robert Stewart, son of Sir Alex- “ ander Stewart, Knight, Lord of Derneley.” There is “ further evidence concerning Robert,” &c. Genealog. Hist. of the Stewarts, Part II. p. 98.

Sir David Stuart of Castlemilk (L). Possibly, also, other instances occur, which, in the compass of a Quarto volume, may have eluded my notice.

Now, Sir, I would just ask you, what shall we think of a mode of reasoning like this? To say the least, it is to handle, without much address, the weapons of genealogical controversy. In discussions of every sort, it is a law usually held indispensable, not to resort to an authority, or advance an argument, of which we should not at all times be ready to grant to our adversary the most liberal use. Yet this maxim, no less founded on equity, than dictated by prudence, you seem, in treating your subject, to have frequently overlooked. The same documents which, when they
make

(L) “ This is not the only instance where Alexander de Lyle is described as uncle to Robert de Lyle; for there is, in the *Chartulary* of Paisley*, p. 276, a precept of feisin*, dated 25th September 1452, granted by Robert Lord Lyle, in favour of William Semple, where Alexander de Lyle, and William de Lyle, are both of them described as uncles of the granter of that precept*, without any other designation*; the words are, *testibus Alexandro de Lyle, Willielmo de Lyle, patruis meis charissimis.*”
Genealog. Hist. of the Stewarts, Part VII. p. 337, Note. This is also an important article in the author’s evidence.

These extracts are surely more than sufficient to satisfy the reader, in regard to the opinion, entertained by the author of the Genealogical History, of the authenticity of Father Hay’s MSS., at least in cases where they are *in favour* of his argument.

make for your argument, are found to be “ real, “ solid evidence (M),” when they weaken or subvert it, their validity is called in question ; they are clogged with doubts, and undermined with suspicions, and declared little better than destitute of credibility. Thus, the Chartulary* of Paisley, in the above-mentioned instances, is quoted without scruple, and without even a caution to the inadvertent reader. But, when that identical repository is brought forward, to prove the existence of a person you are resolved to annihilate, the original record of the Monks is loudly demanded ; and nothing less will satisfy the cravings of a spirit, rigid and inflexible in the search of truth.

In whatever point of view we regard your pretensions, they imply the absolute annihilation of either one or two persons, whose existence is authenticated. By your own account, and in the face of the records of the Abbey of Paisley, John Stewart of Castlemilk is unscrupulously to be given up as the victim of your ambition ; and, according to that of Lord Galloway, his brother William must likewise fall a sacrifice. If, however, there be reliance on ancient documents, neither of those brothers can by any art be annihilated : And, in the course of events, it is a curious circumstance, that their name should be asserted,

(M) Genealog. Hist. of the Stewarts, p. 333, 334.

erted, in a distant age and by a foreign hand (N), while their own unfeeling progeny so cruelly persecute them. Are not these proceedings, Sir, rather arbitrary and unwarrantable? If, as you declare, you feel it “a species of sacred duty (o),” withfully to trace the genealogy of your ancestors, by what epithet shall we denounce the attempt, that would blot no fewer than two of the number from the family escutcheon; that would turn them adrift as “ideal persons,” existing only in the fancy of Lord Galloway; and then leave them to be adopted by any genealogist like myself, who, perceiving their descent, might pity their misfortunes?—Unhappy, though once prosperous gentlemen!” little did you imagine, that it was a crime of so black a dye, to have existed in the inauspicious period from 1409 to 1424!—Little, I am persuaded, did you intend, by that involuntary act, to raise up a bar to the ambition of any of your posterity!—But, least of all, did you expect to be marked as the opprobrium, and rejected as the outcasts of your house, merely for standing forth as the lawful possessors of your own estate of Castlemilk, the one in the resignation to the Monks of Paisley, and the other in the charter to John de Park!

But,

(N) The Rev. Mr Williams; whose excellent “View of the Evidence for Lord Galloway” we have so often noted.

(o) Genealog. Hist. of the Stewarts, p. 294.

But, Sir, it is full time to quit the airy heights of apostrophe, and descend to the lower ground of sober discussion. We will, therefore, proceed to the examination of the remaining point in our inquiry, namely the

IVth Proposition : “ That Sir William Stewart, “ designed * of Castlemilk, some time between the “ years 1410 and 1424, is the self-same person as “ Sir William Stewart, also designed * of Castlemilk, *an.* 1398, and mentioned as one of the “ conservators of the peace at that period.”

The only arguments you offer, in order to prove the identity of these two different persons, seem to be founded on their both carrying the same name of William Stewart, and both appearing as possessors of the Castlemilk estate. Here we have again to observe the confusion arising from a similarity of names, and the easy advantage which may be taken of that circumstance. To disentangle the perplexity, however, will be abundantly easy, from a due attention to those facts and arguments, which have already been submitted to the reader's consideration.

In order to accomplish the object of this proposition, you appeal to two charters, granted by the Earl of Douglas, the one to Simon Carruthers of Moufeward, dated 4th December 1411, and the other to John de Park, both of which have been already cited. To each of these there is a witness designed *, in the one, “ Sir William Stewart,” and in the other, “ Sir William Stewart of Castle
“ milk.”

“milk.” He is likewise styled “cousin to the Earl of Douglas.” (P). You then proceed to observe as follows: “These two charters, therefore, by the Earl of Douglas, to which his cousin Sir William Stewart, Knight, was a witness, prove, in a satisfactory manner, that the same Sir William Stewart of Castlemilk, Knight, who was mentioned in Rymer’s *Fœdera*, in the year 1398, as surety, given on the part of Scotland, for the peace of the western borders, was alive in 1411, and enjoying the same title of Sir William Stewart of Castlemilk, Knight.” (Q).

But, Sir, it is perfectly evident that these charters must apply to the younger, and not to the elder Sir William Stewart. No arguments to the contrary can avail you any thing, until you can devise means, more practicable than any you have yet tried, to annihilate altogether John Stewart of Castlemilk, the undeniable proprietor of the estate in 1409, and apparently during several years both prior and posterior to that period. In any other view, as the elder Sir William Stewart, whom you hold out as the possessor, was not killed till twenty years after at the siege of Orleans, there would exist two proprietors of the lands of Castlemilk at one and the same time, an idea too absurd to stand in need of refutation. Even had Lord Galloway failed in

P

establishing

(P) See p. 66, 67. note (M), and (N), *anteb.*

(Q) Genealog. Hist. of the Stewarts, Part VII. p. 328.

establishing Sir William Stewart of Jedworth and Sir William Stewart of Castlemilk to be one and the same person, you never could prove, as long as the Chartulary* of Paisley continued uninvalidated by positive contradictory evidence, that he possessed the estate in 1409. Yet we will, for the sake of argument, even suppose this important obstacle removed, and still there will remain the most cogent reasons for admitting the pretensions of the younger Sir William Stewart, and maintaining a place, in our genealogical series, for so refractory a generation.

We have already pointed out the probable time when John Stewart of Castlemilk, acquiring the estate of Garlies and Dalswinton, relinquished the first mentioned property, in favour of his brother William (R). This, as it has been conjectured, took place about the year 1415: But, we certainly know, that it must have happened between 1409 and 1418, in which last year the elder brother stands forth as Sir John Stewart, "Lord of Dal-
"swinton." (s).

Nor can any thing more correctly coincide with the evidence furnished by existing documents. When Sir William Stewart of Jedworth, *an.* 1396, entered into the contract with his relation Sir Walter Stewart of Dalswinton, for the union of
their

(R) Page 69.

(s) See Renunciation of Pretence to the Estate of Kelly, p. 62. note (D), *anteb.*

their families by intermarriage, it was specially provided, by an article in that agreement, that twenty pounds worth of land should be reserved by Sir William, in lieu of a portion to his *other son*, who afterwards became Sir William Stewart of Castlemilk : “ And all ye lafe yat he fall con-
 “ quest, to be gyvin to the foresaid John, his son
 “ and ayre, outtaken XX pounds worth of land,
 “ to be gyvin till his *owr* son, or qwhar he will.”
 (T).

In one of the charters, as we have already mentioned, by the Earl of Douglas, to Simon Carruthers of Moufewald, dated in 1411, there is a witness Sir William Stewart, simply so designed *, because he had not then acquired the Castlemilk estate. In the other, to John de Park, he appears as Sir William Stewart of Castlemilk; Sir John, the elder brother, having by that time succeeded to Garlies and Dalswinton, and, according to the practice of the Darnley family, resigned the property of Castlemilk, in favour of his younger brother (U). Here we shall make use of your own words : “ As both these charters were granted by
 “ the same Archibald Earl of Douglas, Lord of
 “ Annandale, and that in both *William Stuart*,
 “ *miles*, described as a cousin of the Earl of Dou-
 “ glas,

(T) Macfarlane's Collections, Advocate's Library, p. 116. already quoted.

(U) See instances mentioned of this practice, p. 61. note (C), *anteb*.

“ glas, is one of the witneffes, along* with Wil-
 “ lielmus de Haya de Lincherwart, and Williel-
 “ mus de Borthwick, who were also witneffes to
 “ the Earl of Douglas’s charter to John de Park,
 “ there can be no doubt that it was the *same* Sir
 “ William Stuart of Castelmilk, who witnessed
 “ both charters, though his designation of Castel-
 “ milk is specified only in one of them.” (v).

The charter to John de Park, like many others of that age, has no date. Yet, from two circumstances, we are enabled very nearly to ascertain it. The Earl of Douglas is there described as Lord of Galloway and of Annandale, and the seal affixed to the deed shows the arms of Douglas quartered with those of Annandale. Now the lordship of Annandale is well known to have been first granted to the Douglas family, by a royal charter, *an.* 1409 (x). Allowing the time (which you have most diligently ascertained,) requisite for the Earl of Douglas to prepare his new seal, bearing the armorial ensigns of Annandale (y), the deed could not have been executed sooner than the commencement of the year 1411. But Archibald Earl of Douglas did not, till the close of 1423, embark for France, where he fell at the battle of Vernueil in the

(v) Genealog. Hist. of the Stewarts, Part VII. p. 327.

(x) Pub. Records, Roll II. N^o 47.

(y) Genealog. Hist. of the Stewarts, Part VII. p. 325,
 326.

the following year. Therefore, we have the entire space between 1411 and 1424 open to conjecture; and from every circumstance I am inclined to believe, that some time in 1415 may be fixed upon, as the most probable date of the charter in question.

From these considerations it is evident, that, as John Stewart, the elder brother, undeniably held the estate in 1409, and as William, the younger, appears so clearly designated in the two charters just now mentioned, it is impossible that the person attesting either of these could be the brother of Sir John Stewart of Darnley. Unless upon the supposition of two Sir William Stewarts, father and son, in the same era, it will be utterly impracticable to show how Sir William Stewart of Jedworth actually fulfilled his contract of alliance with Sir Walter Stewart of Dalswinton, or provided, as he reserves a power to do, for his "*other son*." Nor will it be less difficult to account for the irrefragable existence of a John Stewart of Castlemilk in 1409, and for a Sir William Stewart of Castlemilk between 1411 and 1424. Thus, Sir, we perceive that your genealogical theory is airy and unsubstantial. It is alike adverse to probability, and destructive of authenticated facts. On the other hand, by the account we have delivered, every difficulty at once disappears. An obvious consistency, the best test of truth, is seen to pervade, and give strength and credibility to the whole.

There

There is one material circumstance, which strongly corroborates this reasoning, but which seems to have escaped the perspicacity of the ingenious author of the Evidence on the part of Lord Galloway. From the first appearance of Sir William Stewart in 1385, to his death in 1429, we find him uniformly denominated by those several designations * that were most suitable to the transactions in which he was engaged; “of Jedworth, of Castlemilk, or Sheriff of Teviotdale.” But it is remarkable that *he is never again designated * of Castlemilk, after the year 1398.* The reason is obvious. He had, about that time, bestowed the property on John his eldest son. From him it passed, nearly in 1415, to his brother William; and thence, in regular succession, to Sir David Stuart, the acknowledged progenitor of the present Stuarts of Castlemilk, (as we shall afterwards show) about 1440. In all the documents preserved in Britain, in all the notices discovered in France, no example occurs of the brother of Sir John Stewart of Darnley being described as “of Castlemilk,” *posterior* to the period just now mentioned; but uniformly, in the former country, “of Jedworth,” or simply “Sir William Stewart;” and, in the latter, as “brother to the Constable of the Scottish forces.” Now, were this illustrious person, as you maintain, your immediate ancestor, is it not rather singular, that he should drop his peculiar designation, at such a period of his life? Or, if he retained it, is it not still

till more extraordinary, that no vestige should be found of his retaining it in a juncture, when the notices preserved of him are by far the most numerous; an era, too, beyond question the busiest, and most shining in his career, when he is honoured by princes, and celebrated by historians?

In fact, Sir, the circumstance I have mentioned is one of those pleasing discoveries, which are perceived at once to be the evidence, and the effect of truth. On the authenticity of this, and of the chartulary* of Paisley, I willingly agree to rest the issue of my entire argument. Thus, the controversy will be brought within the narrowest possible compass. It will fairly be reduced to a single point. As soon as you shall make it appear, from any authentic charter, or unquestionable document of that age, that “Sir William Stewart, *the brother of Sir John Stewart of Darnley*, is designated* ‘*of Castlemilk*’ after the year 1398, or, at least, between 1408 and 1429; or what is nearly to the same purpose, that *some other person than John Stewart* possessed the estate in 1409;” in these cases, I will freely subscribe to the justice of your claims, and confess the weakness of my own assertions. Nay I will do more. Cheerfully joining issue with your most ardent admirers, I will consent to applaud even the *strength* and *acuteness* of the reasonings displayed in the Genealogical History of the Stewarts; and, in a word, admit that the author is heir-apparent and representative of the Cardinal de York.

I have now, Sir, done what, I trust, is sufficient to overthrow your IVth and last Proposition, or, in other words, to disprove the identity of the two Sir William Stewarts, first and second of Castlemilk. It is true, the duration of the life of the latter has no immediate concern with the present argument: But, as I have incidentally placed his death about 1440, it is proper to produce the evidence on which that statement is founded; and, the more particularly, as it will afford an additional proof concerning the general character, I have used the freedom to give, of your mode of reasoning.

It was, I think, in the year 1794, that you first printed the state of your new-modelled genealogy of the Darnley and Lennox families, the earnest and fore-runner of the great Quarto volume; and which also preceded, some considerable time, the statement exhibited on the part of Lord Galloway. On this occasion, were adduced in evidence two charters, the first dated in the year 1439, wherein Walter Stewart of Arthurley is described as “ the son of William Stewart of Castlemilk;” and the second, dated February 1st, 1440, where the same Walter Stewart is designed * “ son of the deceased Sir William Stewart of Castlemilk.” (2) As
your

(2) N^o I. Charter, dated in the year 1439; by which John Pollock disposed * to John Ross, Laird of Haulkhead, and Walter Stuart, *son of William Stuart of Castlemilk*,
equally

your appeal to these papers was confident and unqualified, they, of course, appeared on your own proper credit. It was presumable, at all events, that you had seen them; that you had proved their authenticity; that you were responsible for their existence; and that you had truly and correctly exhibited their titles.

From a man of such unquestionable diligence, and reputed accuracy, this was both to be demanded and expected. Accordingly, the ingenious author of the Evidence for Lord Galloway thought himself fully at liberty to make use of the deeds in any manner that might conduce to the illustration of his argument. In his proofs respecting the existence of the younger Sir William Stewart, he referred to them as established documents, and immediately subjoined the following accute inference. “ From accurately comparing (says he) these two charters it will appear evident, that Sir William Stewart was alive in 1439, when

Q

“ the

qually betwixt them, the lands of Arthurley, in the barony * and shire of Renfrew. “ This charter is among the Haulkhead papers, in the possession of the Earl of Glasgow.” Genealog. History of the Stewarts, Part VII.

• 351.

N^o II. Charter under the Great Seal, dated 1st February 1439 (in modern style 1440), by King James II., whereby he grants the one-half of the lands of Arthurley, in the barony * of Renfrew, to Walter Stuart, *son of the deceased Sir William Stuart of Castlemilk, miles.* Pub. Records, B. III. 1^o 137. Genealog. Hist. of the Stewarts, *ut sup.*

“ the former was dated, and that he died before
 “ the 1st February 1440; for, in the one, he is
 “ styled ‘ Sir William Stewart of Castlemilk,’ and
 “ in the other ‘ the *deceased* Sir William Stewart
 “ of Castlemilk.’ This is further confirmed by
 “ David Stewart, the eldest son of this Sir Wil-
 “ liam Stewart, assuming the designation * *de Ca-*
 “ *stlemilk* in the year 1444, whereas, in 1430, &c.
 “ he was designed * David Stewart ‘ de Fynnart,’
 “ the usual designation * appropriated to the heir-
 “ apparent of that family.” (A). In this manner,
 it was unhappily proved, from your own evi-
 dence, that a Sir William Stewart of Castlemilk
 did actually exist at least *ten years* subsequent to
 the period, when you had pertinaciously maintain-
 ed, that the only person bearing that name, in
 your family, had lost his life under the walls of
 Orleans (B).

Whatever

(A) Evidence for Lord Galloway, p. 26.

(B) It may be observed, that these two charters so justly
 noticed by Mr Williams, are not the only documents pro-
 duced by the author of the Genealogical History of the
 Stewarts, subversive of his own pretensions. So sure is truth
 in the end to become apparent, that even all the diligence
 he has used to confound the two Sir William Stewarts has
 not been able to conceal it. There is another deed quoted
 by himself (Part VII. p. 335, 336.), viz. a decret *, by Sir
 John Forrester of Corstorphin, Chamberlain of Scotland,
 dated *an.* 1430, and now in possession of the town of Ren-
 frew. It was pronounced by the Chamberlain, in a dispute
 between

Whatever may be thought, Sir, of your ingenuity in the affair of the Chartulary* of Paisley, it now seemed evident, that powers, at least as prompt and fertile, were necessary to free you from a far worse dilemma. Nor will he, who entertains that idea, be in any wise disappointed. What must have been the astonishment of Mr Williams when he read, in your late Quarto volume, that you had seen only, and could answer for,

between that place and the town of Dumbarton, relative to their respective rights of fishing in the river Clyde. In this document are recorded the names of a jury, which met, 22d November 1429, on the business; and among others are

“ Alan Stewart, Lord of Darnley,

“ Robert Stewart, Lord of ———

“ Alexander Stewart —————

“ *David Stuart, Lord of Finnart.*”

The Alan Stewart here mentioned he admits to be the eldest son of Sir John Stewart of Darnley; who having been killed about nine months previous to the meeting of the jury (i. e. before Orleans in February 1429) his son of course adopted the designation* of *Darnley*. But David Stuart still continued *Lord of Finnart*; although the author of the *Genealogical History* pretends that it was his *father*, and not his grandfather, who was killed before Orleans; whereas, had this really been the case, he certainly would, as well as Sir Alan, have appeared in possession of the paternal estate, and been designed of *Castlemilk*. The fact seems, however, to be, that no document *can* be produced of his adopting the latter title, till the death of his real father the younger Sir William Stuart, *an.* 1440.

for, the *second* of the charters above mentioned ; and that, as to the *other*, though searched for with diligence, *it was no where to be found!* (c).

A most prolix and laborious exculpation is then offered, proceeding, as it should seem, on the implied charge of evasion. This, although spread over almost *five* Quarto pages, when compressed into as many sentences, is, in substance, as follows: That the *title* of the first charter was copied from an inventory of Lord Glasgow's papers at Haulkhead, obtained from Mr Tod, writer to the Signet*, and man of business to that nobleman : and that Mr Williams's remarks having given rise to a late search at Haulkhead to discover it, every effort had at length proved ineffectual. Notwithstanding, however, you contend, that the loss can be a matter of but little moment. That, as the first charter was the disposition to the lands, in favour of Walter Stuart, by John Pollock, and the second (preserved in the Public Records) the confirmation, under the Great Seal, of that disposition, so it necessarily follows, that the style and terms in which we find the *second* is conceived, must have been identically the style and terms of the *first*; it being a fact well known in the practice of business, that, in royal charters, the descriptions of places or persons are duly regulated by those of the warrants*, on which they proceed. That, in order to ascertain the fact by analogy,
recourse

recourse was had to the Public Records themselves, for the registration of the royal charter, granted about the same time to John Ross, Laird of Haulkhead, for his half of the lands of Arthurley. But a concise entry was the entire result of that search; and, in the short notice respecting the deed, it is said to have been entered in the Record, "*in formá prescriptá.*" (D).

Now, Sir, I will candidly acknowledge, that charters under the Great Seal in Scotland *do* usually run in the same style and terms as the dispositions constituting their warrant*; and of the two charters in question the first seems probably to have been the warrant* or ground, on which the second had proceeded. Yet, supposing the fact to have been as Mr Williams asserts, viz. that Sir William Stuart of Castlemilk was alive in 1349, and actually died before 1st February 1440, it is surely *not impossible* that the trifling change, in the description of Walter Stuart, necessary to correspond with that well known event, might, by the writer, have been inserted in the royal charter: And the grant, without doubt, was equally valid, as proceeding upon the disposition, whether it were in favour of "the son of Sir William Stuart of 'Castlemilk,'" or of "the son of the *deceased* Sir 'William Stuart of Castlemilk.'"

In

(D) Genealog. Hist. of the Stewarts, Part VII. p. 251—56.

In this manner, you will admit, I am sufficiently warranted to argue, as the incidents which Mr Williams's hypothesis involves, *might* very well have taken place. Because, if they did not, why was the matter so very differently represented by Mr Tod, with whose character I am well acquainted, and whose professional correctness is known to be unimpeachable? It rests solely with yourself to exhibit the document, which has thus so suddenly and unaccountably become invisible. Nothing less is adequate to destroy what has been so gravely delivered in a genealogical argument. The occasion, it is true, on which it was introduced, (viz. the showing the progress of the title-deeds of the lands of Arthurley) may, as you observe, be a matter of no great moment; but it derives weight and importance from the nature of the inferences which are fairly deducible from such premises. Until, therefore, an exhibition of the lost charter be made effectual, the result of the comparison between the two must be considered as at least a collateral, although, indeed, it is a supernumerary evidence, concerning the younger Sir William Stuart of Castlemilk; and, by consequence, an additional bar to the admissibility of your pretensions.

For my own part, I am not among those disposed to believe, that the author of the *Genealogical History of the Stewarts* is capable, even where the ambition for *family honours* is concerned, of representing with unfairness, or concealing with intention, an existing document; although his reliance on a *title* may be rather easy, and his belief of an

entire

entire deed rather difficult, as they severally make
 in favour, or against his argument (E). Yet I will
 not pretend to answer for the suggestions of envy,
 or the whispers of suspicion. The heir-apparent
 and representative of the Cardinal de York is a
 personage of some importance, and as such, must
 be exposed to both. Neither will I take it upon
 me to determine the precise effect, that the myste-
 rious story of the Haulkhead papers may in cer-
 tain minds produce, on a variety of other matter,
 brought forward, with equal confidence, in his
 book. Of the value and solidity of a whole men
 usually judge, from the tried value and solidity of
 its parts: And, the truth is, that, in the work in
 question, the fairest of these is not now, in appear-
 ance, more fair and perfect, than was their airy
 brother

(E) It is almost unnecessary to observe to the reader the
 unsuspecting confidence with which the author of the Gene-
 logical History believed the authenticity of one charter, on
 being furnished, by Mr Tod, with a bare *copy of the title*;
 while he pretended to disbelieve the genuineness of another,
 though he found a *complete and authenticated copy* of it, in
 Mr Hay's Collections.

I think it proper here to take an opportunity of declar-
 ing, that, in this letter, no *new* writings or documents have
 been brought forward by me, relating to the present contro-
 versy. Of those I have cited, on different occasions, the
 whole have been, in some shape or other, already appealed
 to, either by the Reverend Mr Williams, or by the author
 of the Genealogical History of the Stewarts, who are, of
 course, responsible for their existence and authenticity.

brother of Haulkhead, previous to Mr Williams' able scrutiny, when it shrunk into non-existence at the touch of criticism.

We have now, Sir, examined, at some length the chief pillars, on which you rest your claim to be heir-apparent and representative of the Cardinal de York. We have found them, indeed erect and lofty, the support of a spacious building; and that building the acknowledged work of time, of application, and of patient industry (F). Not content, in planning the structure, with the ample quarries or forests of Britain, you even travelled abroad in quest of foreign materials and sought devices at Paris, and entablatures at Rome, to decorate and enrich it. But did it not become you, as a wise builder, to have well examined, before you confided in, a sandy foundation? It is true, vain ambition, the obvious architect, has enticed many a man, no less cool and dispassionate than yourself, into projects as wild and labours as unprofitable. Yet, surely, no project so extensive in itself, (let the reader reflect on near 500 Quarto pages!) of such costly erection, or such laboured regularity, and, above all, so splendid and formidable at a distance, was ever seen, like a fairy edifice, to crumble more suddenly into ruin, on a near approach.

Possibly

(F) In the Preface to the Genealogical History, the author acknowledges, that not less than *ten years* have been spent on the work.

Possibly you may think, that this opinion of your pretensions is arrogant and fastidious, and peculiar to Lord Galloway. You may, perhaps, as in the case of your much injured kinsmen, John and William Stewarts of Castlemilk, allege, that it is an “ideal substance,” and to be found only in the present Letter. It may not be improper, therefore, to appeal to the sentiments of other men, all remarkable for their diligence of investigation, and some of them distinguished by their accuracy as antiquaries, who have, at different periods, written on the name of STEWART. Of these authors the opinions will be found, directly or indirectly, to confirm this account ; That Sir John Stewart of Darnley, the ancestor of the Earls and Dukes of Lennox, had a younger brother, Sir William Stewart, indifferently designed * of Jedworth, of Castlemilk, or Sheriff of Teviotdale : That from the eldest son of this Sir William the family of Lord Galloway is descended, and, from a younger, the Stuarts of Castlemilk in Lanerkshire ; and consequently, That both are sprung from the stock of *Darnley* or *Lennox*, but that the latter are *cadets of the house of Galloway*.

The first writer we shall quote, is the well known Nisbet, in his System of Heraldry. “ Sir Walter Stewart (says he) to whom King Robert Bruce gave the barony * of Dalswinton, was descended of a younger son of Sir John Stewart of Bonkill, and was sometimes design-

“ ed* of Dalswinton, and sometimes of Garlies.
 “ His grandson, Sir Walter Stewart of Dal-
 “ swinton, was contemporary with Robert III.
 “ His daughter, Marion Stewart, became his
 “ heir; and was married to *Sir William Stewart,*
 “ *Sheriff of Teviotdale, descended of the family of*
 “ *Darnley (G).*” It is evident, how correct so-
 ever this writer’s account of Sir William Stew-
 art’s descent, that there is an inconsistency in the
 state of his matrimonial engagement: for it was
 not Sir William, but his son John, who married
 the heiress of Dalswinton.

Crawford, in his Peerage of Scotland, shews,
 from more satisfactory authority, that “ Sir Wal-
 “ ter Stewart, Lord of Dalswinton, married his
 “ only daughter to *John Stewart, Esq. son and*
 “ *heir of Sir William Stewart, Sheriff of Teviot-*
 “ *dale.* This Sir William was a *son of the fami-*
 “ *ly of Darnley,* afterwards created Earls and
 “ Dukes of Lennox, as appears from the Pa-
 “ tent creating Sir Alexander Stewart, Lord
 “ Garlies, in the year 1607, and from several
 “ other accounts (H).” This author, in his
 History of the House of Stewart, subjoined in
 the Account of Renfrewshire, has the following
 passage, and nearly to the same purpose: “ I
 “ have seen an indenture, in the Scotch lan-
 “ guage, dated at Dumfries, in the year 1396,
 “ betwixt Sir Walter Stewart, Lord of Dalswin-
 “ ton,

(G) Vol. I. p. 49.

(H) Peerage of Scotland, p. 157.

“ ton, on the one part, and *Sir William Stewart*,
 “ *Sheriff of Teviotdale*, (descended of the House of
 “ *Darnley*), on the other, wherein it is agreed,
 “ that John Stewart, son and heir of the said Sir
 “ William, shall marry and have to wife, Marion
 “ Stewart, the only daughter of the said Sir Wal-
 “ ter, with whom he obliges himself to give fix
 “ score of marks in tocher*.”

“ Sir Walter Stewart, (who lived in the time
 “ of King Robert the II. and III.), having no
 “ male issue of his own body, married his only
 “ daughter to *John Stewart, Esq.* son and heir to
 “ *Sir William Stewart, Sheriff of Teviotdale*; by
 “ whom she had Sir William Stewart (of Dal-
 “ swinton), their son and heir; which Sir Wil-
 “ liam was made a Knight by King James II.,
 “ and had issue three sons, Alexander his succe-
 “ sor, Sir Thomas Stewart of Minto, Knight,
 “ ancestor to the present Lord Blantyre, and
 “ Walter (1).”

The same Nisbet already mentioned, in deduc-
 ing the lineage, and describing the armorial
 bearings of the Galloway family, writes as follows:
 “ The *cadets* of the family of Stewart of Dal-
 “ swinton and Garlies, now Earls of Galloway,
 “ are, *Stewart of Castlemilk*, or, a bend gules, sur-
 “ mounted of a fesse-chequé, argent and azure;
 “ so recorded, in the Line Register, for *Sir Ar-*
 “ *chibald Stewart of Castlemilk, Baronet*, with the
 “ badge of Nova Scotia in the sinister canton.
 “ Crest, a dexter hand holding a sword, proper.
 “ Motto,

(1) Rudiments of Honour, p. 116.

“ Motto, *Avant*. Stewart of Minto, or, a fesse-
 “ chequé, azure and argent (κ),” &c.

Hay, in his MSS, in the Advocates Library at Edinburgh, observes, that “ From *the family of*
 “ *Darnley descend the houses of Garlies, now Earl*
 “ *of Galloway, Minto, Blantyre (L),*” &c.

“ Alexander Stewart Lord Garlies, (says Sir
 “ James Balfour, that accurate genealogist), *a ca-*
 “ *det of the Stewarts of Darnley*, himself being the
 “ sixteenth of the family, and the thirteenth heir-
 “ male of one line, the eldest of the house suc-
 “ cessively succeeding other*, by the name of
 “ Alexander, was, by King James VI., created
 “ *Earl of Galloway*, by letters-patent, bearing date
 “ at Theobald’s, 19th September 1623 (M).”

Sir Robert Gordon of Gordonstoun, (a genea-
 logist highly extolled by yourself), in his genea-
 logy of the Earls of Sutherland, remarks, that
 “ From *the house of Darnley are descended the fa-*
 “ *mily of Garlies, now Earls of Galloway, Minto,*
 “ *Blantyre, Pittenwemyfs, Castlemilk, Hallrigg,*
 “ *Garton, Balfheall, Clarvy, Rothsay, with some*
 “ *others (N).*” And yet, in his account of Sir
 William Stewart, the son of Sir Alexander Stew-
 art of Darnley, he adds, “ This Sir William was
 “ slain

(κ) Nisbet’s Heraldry, Vol. I. p. 50.

(L) Page 489.

(M) Genealogical Account of Noble Families. MS
 Advocates Library, Edinburgh.

(N) MS. Advocates Library, p. 91.

“ slain at the battle of Vernueil, in the year of
 “ God 1424, of whom *the family of Castlemilk* is
 “ descended.” From these passages it is evident,
 that he looked upon Sir William Stewart of Jed-
 worth, and the *elder* Sir William Stewart of Cas-
 tlemilk, as the *same* person ; and that, with Nis-
 bet in his Heraldry, (above quoted), he regarded
 the family of *Castlemilk* as *cadets of that of Dal-*
swinton. It is also obvious, that Sir Robert has
 put the battle of Vernueil, erroneously for the
 siege of Orleans, *an.* 1429.

To these respectable authorities we shall add
 that of the learned Camden, who, in speaking of
 the lordship of Galloway, has this passage : “ The
 “ title of Lord of Galloway fell afterwards to the
 “ family of Douglas ; and, since, to the family
 “ of *Stewart of Garlies* ; which, being first dig-
 “ nified, by King James VI., with the title of
 “ Lord of Garlies, was further raised, by the same
 “ King, to the dignity of Earl of Galloway, on
 “ account chiefly of their descent from the illustrious
 “ family of *Lennox* (o).”

The last author we shall appeal to is the Rev.
 Mr Williams, by far the most accurate of any
 who have examined the subject. In treating of
 the different additions or designations* given to
 the elder Sir William Stewart, he thus proceeds :
 “ Douglas, both in his Peerage and Baronage of
 “ Scotland, represents *Sir William Stewart of*
 “ *Jedworth* as the same person with Sir William
 “ Stewart

(o) Britan. Vol. II. p. 1202, edit. Gibson.

“ *Stewart of Castlemilk.* Duncan Stewart, in his
 “ History of the Stewarts, not only appears to be
 “ of the same opinion, but when accounting for
 “ the disbursement of the money remitted from
 “ France, in the year 1385, he asserts, that an
 “ hundred livres were given to Sir William Stew-
 “ art of Jedworth; (Rymer. Fœd. Angl. tom.
 “ vii. p. 485.); while Scott, in his History of
 “ Scotland, recording the same transaction, af-
 “ firms, That an hundred livres were given to
 “ Sir William Stewart of Castlemilk. It seems
 “ evident, however, that both authors meant *the*
 “ *same person.* And, when some genealogists de-
 “ scribe Sir William Stewart of Jedworth as a
 “ son of the family of Darnley, and others re-
 “ present Sir William Stewart of Castlemilk as
 “ descended from the same family, it appears to
 “ be no more than *the same fact related in differ-*
 “ *ent words* (r).” Of this remark the quotation
 from Sir Robert Gordon (made above) may be
 adduced as a very apposite illustration.

Mr Williams, likewise, in endeavouring to dis-
 entangle the perplexity resulting from a similari-
 ty of names borne by different persons nearly in
 the same era, has these judicious observations
 “ There are (he says) two circumstances, which
 “ have materially tended to lead some authors in
 “ to an error with regard to the descent of this
 “ family.

“ *First*

(r) Evidence for Lord Galloway, p. 13, 14.

“ *First*, The discovery of the name of a *John*
 “ *Stewart of Jedworth*, in the Chartulary * of
 “ Kelfo, 1323; from whence it has been erro-
 “ neously concluded, that John Stewart, the *son*
 “ of Sir John Stewart of Bonkill, assumed the
 “ title of *de Jedworth*, and was the ancestor of
 “ the Stewarts of Dalswinton. But, according
 “ to Symson, in his History of the Stewarts,
 “ (p. 64.), John, the *son* of Sir John Stewart of
 “ Bonkill, had no children: And, according to
 “ Lord Hailes, in his Annals of Scotland, (vol.
 “ ii. p. 307.), his designation* was *de Daldon*.
 “ The John Stewart of Jedworth, therefore, men-
 “ tioned in the 1323, must have been John Stew-
 “ art, afterwards of Darnley, the *grandson* of Sir
 “ John Stewart of Bonkill, and the son of Sir
 “ Alan Stewart of Darnley (Q).

“ *Secondly*, Another circumstance, which has
 occasioned some errors with regard to the de-
 scent of this family, is the representing Sir
 William Stewart of Jedworth, *on all occasions*,
 as the same person with Sir William Stewart
 of Castlemilk; whereas, it is evident, not only
 that they were different persons, but that *the*
latter was the second son of the former. As the
 lands of Castlemilk, however, belonged like-
 wise to the former, and as he is, *in one or two*
instances, designed * Sir William Stewart of
 Castlemilk, some authors, describing Sir Wil-
 “ liam

(Q) See likewise on this subject, note (B), p. 77. of the
 sent Letter,

“ liam Stewart of Jedworth, as a second son of the
 “ family of Darnley, have given him the designa-
 “ tion* of *de Castlemilk*. Thus, Hugh Thomas,
 “ in a MS. of no great value, and of little au-
 “ thority, (or antiquity, being not yet four-score
 “ years old), Harl. MSS. No. 2218., describes Sir
 “ William Stewart of Castlemilk as the brother
 “ of Sir John Stewart of Darnley. But this on-
 “ ly corroborates, as far as such an authority can
 “ be relied on, the account already given of *the*
 “ *descent of the Stewarts of Garlies from the House*
 “ *of Darnley*. For, by Sir William Stewart of
 “ Castlemilk, is evidently meant Sir William
 “ Stewart *senior*, who generally was designed* Sir
 “ William Stewart of Jedworth; but who, pos-
 “ sessing likewise the Castlemilk estate, in the
 “ year 1398, as appears from Rymer’s *Fœdera*,
 “ (tom. viii. p. 58, 59.), was, on one or two
 “ public occasions, designed* Sir William Stew-
 “ art of Castlemilk (R).”

Next to the writers, Sir, who have treated this
 subject, I should recommend, to your attentive
 perusal, the Tables which the best genealogists,
 and particularly Sir Robert Douglas and Mr John
 Brown, have compiled on the name of STEWART.
 Of the former the accuracy is well known, and
 justly applauded; although, from the confusion
 of names, (as, for example, in the case of Jed-
 worth), he may inadvertently have fallen into
 som

(R) Evidence for Lord Galloway, Appendix, p. 94, 9

some errors (s). In regard to Mr Brown, his work is, without doubt, one of the most ample and correct views of any surname ever delivered to the public (r). Here, in particular, the delineation of the House of Bonkill is executed with great impartiality and precision, and is every way consistent with existing documents. No generations, in the Darnley line, are inverted or annihilated; nor is there an unaccountable omission (which in your Table is conspicuous) of Sir Robert the 6th son of Sir John Stewart of Bonkill, whose descendants form one of the most extensive branches of the Stewart race (u).

S

After

(s) Sir Robert Douglas, in his Genealogical Table, has erroneously traced Sir William Stewart of Jedworth from Sir John, the fifth son of the House of Bonkill, whose designation* was *de Daldon*. He has also traced the Stuarts of Castlemilk from the same person.

(r) This Table is handsomely engraved, and was published at Edinburgh, [with a very numerous list of subscribers, 1797.

(u) Before I filled up the place of the 6th son of the House of Bonkill, in my Genealogical Sketch, I thought it proper to apply to the person at the head of that branch of the name, (Mr Stewart of Allanton), in order to learn, why the existence of a race so uniformly recorded by every genealogist since the time of Symson, was at length arbitrarily suppressed by the author of the Genealogical History of the Stewarts? The gentleman just now mentioned, after producing to me very satisfactory documents of his descent

After those gentlemen, I would humbly venture to suggest to your notice my own genealogical labours. They are contained in the Sketch of the
Descent

descent from the above Sir Robert Stewart, who was designed* “ of Daldie,” made answer nearly to the following purport : “ The question, Sir, which you put, I know “ not if I can well answer ; as, ever since I saw Mr Andrew Stuart’s book, the circumstance has puzzled myself. I cannot conjecture why the author of that work “ (in which no labour of *investigation* seems to have been “ spared) did not, on the point in question, prefer a *more* “ to a *less* obvious source of intelligence, a direct application to myself, (which *he never made*) to the lower office “ of retailing the ignorance of Symson, or the ambiguities “ of Duncan Stewart. The only reason I can conceive is, “ that perhaps he thought the descendants of a sixth son of “ the House of Bonkill were beneath the notice of an ambition, which was endeavouring to grasp at the honours “ of the *first*. Or, perhaps, his opinion may have been, “ that the highest merit consists in the most remarkable *singularity* ; and, therefore, in his invasion of the rights of “ Lord Galloway, as he had advanced a theory peculiar to “ himself, so another opportunity, like the present, might “ not easily occur, for evincing how completely he differed “ from every writer of established credit. As you, Sir, have “ undertaken, on the part of the Noble Earl, to refute the “ dogmas of a self-deluded genealogist, I shall take it kind, “ if you will adopt some method of entering this my protest against the usurpations of a self created dictator.”

I hope the above gentleman, who has certainly some cause for complaint, will think that I have not been neglectful of either the one or the other of these objects ; and that I have reported his protest with due fidelity.

Descent of the House of Bonkill, which you will find subjoined to the present Letter. It is true, this delineation is not, like your Table, elegantly engraved, nor are the corners decorated with valuable *fac-similés* of the *seals* belonging to the Lord High Steward, or of any of the race of Castlemilk. Yet it will be found to comprise an impartial view of the different heads of families descended from the Lord High Stewards, previous to their accession to the Crown of Scotland. Commencing with Walter, the son of Alan, who filled that important office about 1153, and was paternal ancestor, in the sixth degree, to King Robert II., the succession is thence deduced only to the beginning of the 16th century, the time of Sir Alexander Stewart of Garlies, Sir William Stuart the 3d of Castlemilk, and their several cotemporaries. After this era, all virulence of controversy seems to cease. The various generations are suffered to glide on in undisturbed tranquillity, and are neither annihilated nor displaced by the fury of contending competitors. Fully sensible as I am of the useful light which your diligence has thrown on some obscure parts of this series, you will perceive that your amendments have been adopted with freedom, wherever they appear the result of solid evidence; But they have, in like manner, been firmly rejected, where inconsistent with probability; where they are visibly the offspring of prejudice, and the creatures of a particular theory; or where, in a word, they have objects less pure than the improvement of genealogy, or the eviction of truth.

Without

Without being too sanguine, I may think it possible, that a serious attention to these various documents and authorities, may produce a salutary impression on your mind. The praise of candour, which you seem particularly ambitious to deserve and to obtain, rather encourages me in that hope. As to my free examination of your Four Propositions, if it convince you, it is well. If not, you may reply to it at your leisure.

Upon the whole, Sir, I trust, from a review of the foregoing narrative and reasonings, which I have thus offered on the part of the Earl of Galloway, no doubt will remain, with the reader, of the actual representation of the Darnley and Lennox families being vested in that Nobleman; and, as I said in the outset, that the claims *you* have advanced are supported only by “ feeble proofs, and “ inconclusive arguments.” Few, therefore, I imagine, will think it too much when I say, in the words of an ancient poet, that of the gorgeous plumage, with which you had so complacently decked yourself, “ the principal feather is now “ plucked and fallen.” (v). If, in the restoration of it to the true owner, you have in some sort shared the fate, it is because you had imitated the example, of a certain bird in the fable, whose *ambition*, (we are told) like your own, got the better of its *prudence*, in vainly aspiring beyond its native

(v) Πτελον το μεγα Κομπολακυθα πειν.

Aristophan. Acharn. sub. fin.

ive ornaments (x). Should you still be disposed to continue the contest, you will enjoy the solitary satisfaction not only of dissenting from Lord Galloway, but likewise from all impartial men, such as myself, unconcerned in the issue; who, in spite of obloquy, and prejudice, and all-ruling fashion, will sometimes dip into studies so neglected as the transactions of their ancestors.

PART THIRD.

AGREEABLY to the division which I made of this Letter in the beginning, I now come to the Third branch of the subject, in which it was proposed to make some critical remarks on your book as a literary production, taking into consideration the matter and style, as well as the scope and utility of the volume.

Whoever, Sir, comes before the public in the quality of an author, virtually acknowledges the power of that high tribunal to approve or to condemn; either to deal out the rewards of praise, or apply the lash of censure. The public, however, is a term of very extensive and uncertain application.

(x) It is scarcely necessary to remind the reader of the fable of "the daw with borrowed feathers," as related by that admirable philosopher of antiquity, old Æsop.

tion. The courts of criticism themselves, that engage the hopes and fears of authors, convey an idea almost as indefinite. Of the latter, indeed, something may be known, from the laws and principles that regulate their decrees; although we are wholly unacquainted with the number of the members, or the time and duration of their sittings. In the monthly edicts, issued from those invisible tribunals, we recognise a judgment fitted to regulate, and a learning worthy to preside over, the public taste. Yet, as the pressure of business seems usually to exceed both the time and diligence of the judges, what hope can be indulged that genealogy shall find favour in their sight? Amidst the prodigious mass of science and philosophy, of literature and politics that daily call for attention, what share can devolve on a neglected topic; even brought forward, as it is, by publisher the most respectable, and in all the pomp and magnificence of a Quarto volume? (r).

Unpropitious, Sir, as the times certainly are to acquiring for your work much distinction of criticism, I think you are not yet without room for consolation

(r) The publishers of the *Genealogical History of the Stewarts* are very respectable indeed, and the first in London, Messrs Cadell and Davies. But it is obvious, from the nature of the work, that it must have been printed at the entire expence of the author himself, and that the above gentlemen can have no interest whatever either in its sale or its celebrity, or the literary notice that is taken of it.

consolation. In me you have found a brother in genealogy, and you shall not want a friend in distress. Impressed with a due reverence for a study, in which we have severally figured, I will cheerfully do what in me lies to avert the neglect with which the Genealogical History of the Stuarts is so imminently threatened ; nor will I suffer to pass out of the world without that tribute of literary notice it certainly may claim, from the extent, as well as splendor of so great an undertaking. If, as a Reviewer, I should not chance to conciliate your esteem, it will be nothing more than often happens to those who sit in judgment on the labours of others. But it shall be my endeavour to conciliate the suffrage of the reader, by the evenness with which I shall hold the scales of criticism.

The first thing that strikes us then, in taking up your book, is the singularity of the title. This, I must be allowed to say, you have considerably misapprehended. It is obvious, that every title should be so constituted, as to convey a precise and clear idea of the work, of which it stands at the head. Nothing, in fact, is more proper and indispensable ; proper, because its very use and essence are descriptive ; and indispensable, because, from a faulty practice, the most enormous inconveniencies would accrue to the reader, no less than the mere buyer of books. On this principle, the appellation you have chosen is every way erroneous. It aims, indeed, at a splendid generality, but it neither points out the specific character, nor the chief object of the

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the performance. "A Genealogical Account of the Stewarts of Darnley and Castlemilk," would perhaps have been an apposite description; to which, if you inclined, you might fairly have added, "with an attempt to demonstrate that the Castlemilk family are the most ancient branch now remaining of the House of Stewart."

But a "Genealogical History of the Stewarts," if it mean any thing definite, conveys an idea far more comprehensive than this. Trusting a promise so specious, we are naturally led to expect some general account of the illustrious surname in question, and even to find that account delivered with the interest and attraction of a connected narrative. In both expectations, however, we experience disappointment. Here are few facts to inform, and still fewer anecdotes to amuse, the general reader. Instead of those wide and extended views which instruct in the historian, or, what the biographer is still more pleasing, strokes of character, and delineations of the manners, we are harassed and fatigued with a tedious detail of dates and eras; with barren titles of charters of confirmation* and novodamus, precepts of feisin and clare constat, and every other deed and writing, with which the lawyers of Scotland have complicated their jurisprudence, or insured the succession to landed property. Yet still we remain, in the hope of at length finding some clear and perspicuous, and general view of the name Stewart. To our great astonishment, the volume closes with this interesting information; and, as

is printed in Italics, it seems intended as a corollary to be deduced from the whole preceding evidence and reasoning, viz. "That Andrew Stuart, having now succeeded to his brother Alexander, in the estate of Torrance, and also to the late Sir John Stuart, in the estate of Castelmilk, is lineal heir and male-representative of the Deneley and Lennox families (after the death of the Cardinal York): and that the said Andrew Stuart of Torrance and Castelmilk, who is now the person entitled, must feel it to be his duty to assert the rights belonging to the Castelmilk family, in the same manner that the late worthy proprietor of the estate, Sir John Stuart, while at the head of the family, intended to have done." (z).

Your book, Sir, is therefore not history; for history contains a narrative of public transactions. Neither is it biography; for biography implies a delineation of private character. As little is it a Genealogical Account of the Stewarts: For, if it be, in what instance does it reach beyond a single family, or two more at most, to trace the extraction, and ascertain the relations, of an extensive house? To say precisely what it is, is not easy. If some personal details be only excepted, with here and there an extract from a French or English writer, it is nearly such a body of writings and documents, as I should desire my attorney to give

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(z) Genealog. Hist. of the Stewarts, p. 384, 385.

my lawyer, if I wanted the latter to make up for me a claim to some dormant title before the House of Lords.

Possibly you may think, that to quarrel with you about words is captious and uncandid, and wholly unworthy of a liberal criticism. But, according to the position of a celebrated modern statesman and philosopher, in fact "words are "things" (A); and of the truth of it you yourself shall be convinced, by the following anecdote, which I have been assured is authentic.

A Highland gentleman, as it is said, of the name of Stewart, trusting to the faith of a comprehensive title, lately purchased your book. As he was fond of his name, and inquisitive about his ancestors, he exulted in the idea of possessing so noble a repository of historical as well as genealogical learning, and so ample an account, as it doubtless must contain, of the House of Stewart. On carrying it to the North (where it seems genealogy is still read), he perused it with avidity: But his mortification was unspeakable, when he found not one word either of his own, or of at least twenty ancient families more, that all crowded on his recollection. Being in his temper a man singularly

(A) A well known saying of the famous Mirabeau, in the commencement of the French Revolution. It has been noticed with effect, by a late admirable poet, politician, and moralist, the author of the "Pursuits of Literature." See p. 433. *in fin.*

ly choleric, he immediately returned this Genealogical History to town. He launched out into many curses on the writer, and much invective against the book ; among other things roundly asserting, that it was “ a most impudent catch-penny.” Nor did the Cardinal de York himself, innocent as he was, wholly escape the torrent of his indignation. The bookseller, however, who had sold but one copy besides, peremptorily refused to take it back ; and it was a fortunate circumstance for his personal safety, that both the Tay and the Forth intervened between him and his angry customer.

Without farther insisting on the title, let us proceed to consider the substance of your work, as a literary performance. Accounts of individuals, as it appears to me, may be drawn up after three different methods ; first, As simple Genealogy ; secondly, As Biography, properly so called ; and, thirdly, As Biographic Genealogy ; by which may be understood an union of both.

Of the first sort the State of Evidence for Lord Galloway, proceeding from the pen of Mr Williams, is, in my judgment, an admirable specimen. In that work there is no perplexity of detail, no admission of extraneous matter. The deduction of the various races is regular and luminous ; the style neat and simple ; clear, without wailing itself in diffusion, and correct, without rising to ornament. On the second species, legitimate Biography, it is needless to enlarge. There is no want of examples in the language, such as the Biographia

phia Britannica, and other pleasing collections. In regard to the third, it is more rarely to be found ; but, if well executed, it would, in some sort, possess a superiority over both the others ; as, while it admitted the character and anecdote of the one, it would not exclude the technical detail of the other. Here an able writer would be careful to seize every advantage afforded by the mixed nature of his work. He would exhibit his genealogies with perspicuity : He would deduce his arguments with force ; and infuse into his narratives the spirit and elegance of correct composition.

This last, Sir, if I mistake not, is the style of writing you intended to attempt ; and I wish I could assert, consistently with truth, that your endeavours have been attended with much success. Of the several excellencies just now hinted at, your performance certainly possesses the first, viz. the deducing the genealogies with due precision : But beyond this the most partial critic will find little to praise.

Nor is the want of interest, that pervades the work, altogether ascribable to the infelicity of a barren subject. It is true, in an account of individuals, removed by length of time from the view, little more can be said than that they lived and died ; and either the biographer or the genealogist performs his duty when he exhibits their pedigree, and enumerates their offspring. But the house of Darnley, and particularly the line of Lennox and Aubigny, afford several examples of celebrated characters ; men not less amiable for their private virtues,

virtues, than eminent for the parts they sustained on the stage of public life. Sir John Stewart of Darnley and his brother, during the wars of a most memorable period: their distinguished valour, their mutual attachment, and their fall, at length, under the walls of Orleans: Bernard Lord d'Aubigny, and Robert Stuart Maréchal of France; their talents as statesmen, and as generals; their negotiations and victories, at Rome, in the Milanese, in Calabria: James Duke of Lennox, during our own civil wars; his unshaken loyalty, and virtuous attachment to an ill-fated monarch: These are topics, we should think, that might have warmed the most frigid genealogist, who looked with reverence and attachment to his ancestors.

Neither would I have had you depart from the true line of biographic genealogy, or encroach on the province of the historian. Yet the curious materials, you have collected with so much industry, might surely have been improved to far greater advantage. Characters from time to time might have been portrayed; manners might have been delineated; and the attention of the reader seized and detained, by turning it to the induction of general principles from an animated display of particular facts. As it is, we are seldom permitted to quit the charter-room. Or, if we sometimes exchange its dreary walls for spots of verdure or prospects of fertility, no ray enlivens them from the native genius of the writer. What has been
amassed

amassed as materials, and might very properly have served as notes, is crudely thrust into the body of the performance. A crowd of quotations motely and unconnected, French, English, and monkish Latin, deform the text, and enfeeble the narrative. Thus, in my mind, an effect is lessened, which in more skilful hands would have proved pleasing and instructive, and left impressions the most lasting on the mind.

Of the merits of your style I am unwilling to speak ; for praise is a theme far more grateful than censure. It certainly does not abound, as Quintilian said of Seneca's, in the *dulcibus vitiis*. The *mille ornatus* at least do not belong to it : Far less can it be added *mille decenter habet*. Yet I will admit that it is distinguished by a feature sufficiently striking, and peculiar to itself. What any other man would express in *three words*, you have the art of diffusing over *as many sentences* ; and, should the subject chance to be more than usually interesting, the same number of *pages* will not unfrequently be occupied (B). This practice, how propitious

(B) Compositions of this species the French distinguish by an expressive phrase, *une boutique de verbiage*. We, in a former note, p. 56.) hinted our suspicion, that the author of the Genealogical History had studied under a writer of that nation, Thaumassiere, his prolixity of expression. But, perhaps, we did him injustice. His exuberance may be the native growth of his own genius. The idea, however, was not improbable ; although a kindred *profession*, in either author, might

propitious soever to book-making, is most exhausting to the faculties of the reader. He sickens and revolts at a prolixity so circuitous, which, in fact, confounds what it was intended to elucidate. Besides, we are forced to declare, that the volume before us is disfigured with provincial barbarisms, to a degree far beyond the necessity of admitting some Scottish phrases into such a work. Where legal documents must be exhibited, legal modes of expression are indispensable, nay they are appropriate; and those of Scotland, on such occasions, are unquestionably entitled to a due indulgence. But here the curious reader will contemplate, with doubt and wonder, a literary phenomenon, the lowest phraseology of the courts interlarding the style of the reputed author of a production, second to few in the English language for reach of thought, ability of argument, or vigour and eloquence of diction (c). Perhaps there is no writer
of

might naturally inspire a kindred resemblance in the colour of their style. Gaspard Thaumas de la Thaumassiere was an *Avocat au Parlement de Paris*, and wrote an *Histoire de Berry*, 2 volumes, folio, in the latter end of the last, or beginning of the present century.

(c) The performance here alluded to is certain "Letters to Lord Mansfield," published about the year 1769, or 1770, soon after the decision of the celebrated Douglas cause, by the House of Peers, a work, indeed, of extraordinary merit. It is true, the Letters seem composed in the name of Andrew Stuart, Esq; but that gentleman laudably avows no claim

of North Britain (at least not any that I know) who is wholly free from national peculiarities ;
and

claim to the honour of the performance, it being given to the world wholly as *anonymous*. His friends, (if there be any such), who still believe that it proceeded from his pen, may, since the publication of the Genealogical History of the Stewarts, ruminare on a phenomenon, which they will, of course, think is among the *αλυται ἀπορίαι*, the difficulties hard of solution ; a writer who, at one and the same time, is a giant and a dwarf, a prodigy of strength, and a monument of weakness.

These Letters I have always regarded as by far the most masterly among *many* able productions brought forth by this memorable trial. Of the real author, whoever he be, it may truly be said, as Velleius Paterculus said concerning Cicero ; *Animo vidit ; ingenio complexus est ; eloquentiâ illuminavit*. Lib. II. 6. To compose them, indeed, did demand peculiar requisites, not easily united in the same person ; an accurate acquaintance with the law in both parts of the united kingdom ; a commanding eloquence ; consummate acuteness and professional ability ; and withal a keen aversion to the eminent person to whom the Letters were addressed, either the fruit of growing rivalry, or, it may be, of a sensibility deeply and designedly wounded. As the managers for the claimant in this question were aided by counsel of the foremost reputation and talents in both countries, perhaps an enumeration of the most distinguished of these may assist the reader, in ascertaining a fact of some literary curiosity. The Lawyers were ;

Mr Dunning, Lord Ashburton.

Mr Wedderburn, Lord Loughborough.

Honourable Mr Charles Yorke.

Sir Adam Ferguson.

Mr Thomas Lockhart.

Sir William Nairne, Lord Dunfinnan.

and the imprudence of this stricture on your language may possibly provoke a similar investigation into my own accuracy (D).

Yet, with these defects, the Genealogical History of the Stewarts is far from being destitute of merit. As a compilation of facts, it is, in general, most ample and accurate. The descent of the Stewarts of Darnley and Castlemilk is traced with diligence, and uncommon precision, through a period of more than six hundred years. The number of ancient documents, now for the first time exhibited to public view, implies a perseverance and assiduity known only to those who have been deeply engaged in similar pursuits. To this I will add, that the admirable order displayed in the arrangement of the several parts, the dispassionate coolness (I do not say strength) preserved in the course of the longest reasonings, may serve as a perfect model to future genealogists.

In an enumeration of those qualities of your work that justly merit commendation, it were uncandid to omit the utility of the Supplement ; by which it appears, that the diligence of your foreign researches, but particularly at Rome, has, in one instance, risen to something more than the mere gratification of genealogical curiosity. A much

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contested

(D) Should this happen, I request the candid critic's attention to those words and expressions in this Letter, to which *asterisks* are affixed ; and particularly to note (G), p. 14. where a general apology will be found.

contested point in the history of Scotland, viz. the marriages of King Robert II. with Elizabeth More and Euphemia Ross, I acknowledge you have fairly settled. The two "Dispensations," which you can claim the merit of obtaining from the Papal archives, fully display the accuracy of Fordun, and the carelessness of his continuator; the ignorance or inadvertency of Lesly and Boëthius; and the superior impudence and invention of Buchanan. They, beyond question, are papers of considerable interest and curiosity: And, as it sometimes happens on such occasions, the importance of the Supplement may prove the means of preserving the name of the book; as you may reasonably hope, that it will be quoted by the future historian.

It now remains, Sir, to say a few words on the scope and general utility of your performance. From the hints I have let fall, in the former part of this Letter, I fear that my opinion is already discovered.

Yet, notwithstanding, it may be proper, before I deliver it more explicitly, to make some remarks on a veneration for ancestry, the sentiment to which your subject, as well as some others, without doubt owe their birth.

If a man, in the end of the 18th century, will write a book, genealogy, I suspect, is of all topics the most truly unhappy, and such as would require the most splendid abilities to procure attention. The late Mr Gibbon, eloquent as he was, and who really loved the study, would probably
have

have failed in an attempt to render it popular or generally interesting. For this it appears not difficult to account. A respect for ancestry originated at first in personal merit, and it naturally was cherished by the feudal manners. The purposes of political influence, which it tended to promote, gave an importance to the feeling, and elevated it to an esteem, beyond the mere indulgence of arrogance or ostentation. Hence arose genealogy, and heraldry, and, above all, the more solid device of engrafting, on hereditary titles, the possession of certain exclusive and distinguished civil rights.

In the progress of society, however, the principle was to experience various gradations in its fortune. It was to attain, in the last century, the zenith of popularity and power, and, in the present, as visibly to decline. During these fluctuations, it was long upheld by the influence of time and opinion ; although commerce openly opposed, and knowledge gradually undermined it. At length, amidst the astonishing innovations, which have lately taken place, in almost all our habits of thinking, it has well nigh been swept away among the mass of popular errors. Thus, by a natural revolution, talents and genius, though still overborne by wealth, have, in some sort, regained their former pre-eminence ; at least, in an estimate of individual merit, men are no longer heard to inquire about the greatness of a name, or the authenticity of a pedigree.

Could it *a priori* be proved, that ability and virtue are communicated to us by the authors of our
existence,

existence, perhaps a respect for high lineage would seem a rational notion, even in the eye of the philosopher. It is certain, that there are many physical truths, which we may pretty confidently believe, without being able conclusively to demonstrate them : and that intellect is *propagated* to as positive a certainty (and perhaps, too, in as great a degree) as visible and external organic conformation, there is little doubt ; although barely to touch on the various modifications by which the former process is governed, would lead into an extensive field of physiological intricacy (E). Without entering into elaborate investigation, it will be granted by those who estimate human institutions not by their metaphysical essences, but their practical effects, that the feeling in question deserves at least

(E) Among animals, it is certain, that the intellectual powers are pretty uniformly continued, together with those of the body, through different generations : Hence the high value, in horses and dogs for example, that is usually placed on pedigree.

Fortes creantur fortibus et bonis :
Est in juvenis, est in equis patrum
Virtus,

said Horace. But, although the reasoning of a poet may not be considered as wholly relevant in such a question, the subject is certainly curious, and well deserves investigation. There seems good ground for believing, that a far more uniform analogy, than is generally supposed, actually subsists between the human and the animal species.

least the rank of a useful prejudice : and they will join issue with Mr Gibbon in thinking, that “ reason herself will respect opinions which have been “ consecrated by the experience of mankind.” (F).

It has been pertinently observed of the advantages of birth, that he who possessed, was never willing to relinquish them, and he who was without them, the only person by whom they were despised. The remark is doubtless the result of experience ; and it may the more particularly deserve regard, at a period when, on every subject, we have far more to apprehend from a dangerous admission of new opinion, than any inveterate adherence to former error. A value for family, moderately indulged, will probably be found not only a harmless, but, on some occasions, a beneficial sentiment. The pride it nourishes, and the vanity to which it may be referred, cannot be productive of much evil ; while, in the well-regulated mind, they may often guard from meanness, and sometimes incite to virtue.

In this view, perhaps, Genealogy, as a part of the system, may come in for its share of estimation. But, like many things sufficiently gratifying to the individual, it can be of no importance to the public. Private preservation, therefore, as we have already hinted, is its true sphere, and the only means by which it can be laudably, or respectably cherished. Should controversy or
competition

(F) See Gibbon's Posthumous Works, vol. i. p. 3.

competition at any time arise, it ought carefully to be confined to private discussion. If these ideas be founded in justice, what evidence of vanity, what mark of weakness, can be figured more indubitable, than to obtrude it on the world?

From these observations, Sir, you will clearly perceive, that I esteem compositions merely genealogical, as of no general value. As literary efforts, they must necessarily rank with those of the lowest denomination. Private circulation, the proper scope and sphere of your work, being injudiciously abandoned, I fear that no adequate compensation has been made by its public utility. The biographical parts, indeed, had they been differently treated, might have produced a considerable effect; because biography, in able hands, will always please, and often instruct. But, of what importance to the public, of what profit to the general reader, are exhibitions of pedigrees, or specifications of titles, or proofs of consanguinity? By such details, perhaps, the antiquary may be amused; but they are pursuits too frivolous for the busy, and too insipid for the idle; nor can they render wiser or better the plodding student who delights to cultivate them.

When the Earl of Galloway printed the Genealogical Account of his Family, of which we have so often made mention, and modestly distributed it among his friends, he set an example, which every writer on this species of antiquities would do well to imitate. The press, on that occasion

was usefully employed to save the labour otherwise attendant on a multiplication of copies. Thus, the performance was completely diffused through that circle of the community, to which alone it could possibly prove interesting. As to the present Letter, it never should have appeared, had not you, Sir, provoked (and, I think, rashly) a public discussion. The writer who imagines, that, by Genealogical Histories of any name, he is able to engage the notice of the world at large, will be speedily undeceived. A distinct prospect of the wide gulf of oblivion, will soon convince him, that its yawning jaws are never shut, but are ready to swallow up all unprofitable labours (c).

Before I conclude an address necessarily drawn out to an unusual length, I shall just hint at some reflections, which I can easily anticipate; and which, by persons of a certain description, are pretty sure to be thrown out against the writer.

The respectability, Sir, of your character, has procured you many friends, and, as I know, some ardent admirers. By these, but particularly by the latter, the whole strain and tendency of this Letter will be deemed reprehensible. Whatever may be said (they will observe) of my arguments, my mode of urging them is confident and perticious, my attempts at ridicule ill-timed and mortive; and, above all, the disrespect (as they will

g) *Jam Thebæ juxta, et tenebrosa vorago.*

Stat. Thebaid. L. VII. v. 382.

will term it) is unjustifiable, with which I have treated a calm and candid adversary, under the ludicrous epithet of "Heir-apparent and Representative of the Cardinal de York." As to my review of your book, I suspect it is to meet with equally little indulgence. The whole will, in like manner, be declared a malevolent, or, at least, a presumptuous invective; as literary strictures, if such were merited, had been more becomingly left to the periodical *Reviewers*.—To these allegations, weighty as they may seem, my answer shall be concise, and, I hope, satisfactory.

I have already stated, and I again repeat, on the part of Lord Galloway, that it is with extreme reluctance I have brought forward, to public discussion, a controversy like the present. It was inevitably to involve personal details, and I am fully aware it can excite no general interest. If, by an intemperate ambition for family honours, the author of the *Genealogical History* of the Stewarts has been induced publicly to invade the rights of another, and thereby drawn down ridicule on himself, or a refutation of his arguments, is Lord Galloway to blame for so imprudent a step? If, in combating these arguments (as urbanity and decorum have in nowise been infringed), can it justly be termed unbecoming or malevolent in me, if I have, at times, diverted myself or my reader, and relieved the dryne

of genealogical debate, with harmless pleantry ;

..... Ego si risi, ...
Lividus et mordax videor? (H)

As to the remaining charge, I am not conscious of having treated unjustifiably either the private or the literary character of the gentleman in question. For the *former* neither Lord Galloway nor myself are without respect. In regard to our opinion of the *latter*, we presume it does not differ from that already formed by the public ; and it may easily be gathered from the foregoing pages. Of a work once given to the world every man may claim his right of judgment. He has the same title, although he may not have the same critical ability, as the professed *Reviewers*, to examine, to estimate, and to pronounce on its merits ; and he unquestionably may exercise it with that perfect freedom, which every independent community, but especially that of *letters*, permits and secures to all its members.

Upon the whole, in a pretty full examination of this competition, now brought to a close, the present writer trusts it will be thought, that he has acted with temper, and a due impartiality. Of the *real* hue and complexion of the contest, it is probable he may be a fairer judge, than either of the parties. He can declare, with truth, that he has come forward in the cause from no motives

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of

of interest, and he can have no personal concern in the issue. But he respects the Noble Earl, whose genealogical grievances were certainly considerable, and called for a vigorous redress. Even in a question, so private and so peculiar as the present, that man cannot be said to be uselessly, or at least not reprehensibly employed, who promotes the important ends of TRUTH and JUSTICE.

I have the honour to be, Sir,

Your most obedient and humble servant,

LONDON. }
14 February 1740 }

THE AUTHOR.

APPENDIX.

A P P E N D I X.

NO. I.

Copy of the Patent creating Sir Alexander Stewart
LORD GARLIES, 1607.

JACOBUS, Dei gratiâ, Magnæ Britanniaë, Franciaë, et Hiberniaë, Rex, Fideique Defensor, omnibus probis hominibus suis, ad quos præsentēs litteræ pervenerint, salutem. Sciatis, quia alii principes, omnibus transactis ætatibus, in suos bonos meritos subiectos et servitores, generales gradus et honoris titulos ac dignitates, secundum suorum meritorum qualitatem, tum pro receptoris inanimatione in omnibus suis debitis officiis continuare et incrementum, semper allocare consueverunt, et pro aliorum motione suæ recompensationis exemplo, talem favorem eorum bono servitio merere; atque inde, in consideratione boni servitii nobis per Alexandrum Stewart de Garlies præstiti, qui, *tantis annis elapsis ab illâ antiquâ et nobilissimâ familiâ de Lennox descendit*, virtutes quorum quidem prædecessorum tantum incrementum antiquo vic-
tui

tui semper addiderunt, et idem æqualis est, et supra et ultra redditum tantorum aliorum dominorum illius dominii. Nos, igitur, respectu dicti continuationis et descensûs *dictæ domûs de Garlies, et suæ nobilis profapiæ, ab antiquâ domo de Lennox derivatæ*, respectuque multorum aliorum servitiorum per seipsum suosque prædecessores præstitorum, dedimus et concessimus, tenoreque præsentium damus et concedimus, nostram plenam commissionem et potestatem, nostro nobilissimo et prædilecto consanguineo et consiliario, *Ludovico, Lennoxie Duci*, nostro nomine potestateque, et auctoritate nostrâ regali, præfatum Alexandrum Stewart de Garlies, DOMINUM DE GARLIES faciendi, et constituendi, et ordinandi præfatum titulum, honorem, et dignitatem, per ipsum Alexandrum, suosque hæredes masculos de corpore suo legitimè succedentes, antedicto victui de Garlies, omnibus temporibus affuturis, cum omnibus et singulis honoribus, privilegiis, et immunitatibus, nobilo Domino, et Baroni Parliamenti, illius dominii incumbentibus; cum voto et loco apud omnia Parliamenta, antiqua concilia, generalesque conventiones statûs illius regni Scotiæ, possidendi, et gaudendi. In cujus rei testimonium, præsentibus magnum sigillum nostrum apponi præcepimus, apud Whitehall, decimo nono die mensis Julii, anno Domini, millesimo, sexcentesimo septimo, et regni nostri, annis quadragesimo et quinto.

Per signaturam manu S. D. N. Regis superscriptam, ac manu sui Secretarii Regni Scotiæ, subscriptam.

No II.

COPY of William Urry's Resignation of the Lands of Fulton, to the Abbot and Monks of Paisley, an. 1409; from the Collections of Father Hay, in the Advocates Library, Edinburgh.

IN DEI NOMINE, AMEN. Per hoc præsens publicum instrumentum cunctis evidenter appareat, quòd, anno ab incarnatione Domini 1409, mensis Januarii die nono, indictione tertiâ Pontificatûs sanctissimi in Christo Patris et Domini nostri Domini Benedicti, divinâ Providentiâ Papa 14 anno 16, In mei Notarii Publici et Testium subscriptorum præsentia personaliter constitutus Willielmus Urry, non vi nec metu ductus, nec errore lapsus, sed suâ merâ et spontaneâ voluntate, per fustem et baculum sursum reddidit, purèque, simpliciter, et liberè, sine fraude vel dolo resignavit, totas terras de Fulton, cum omnibus justis pertinentiis et libertatibus ad ipsas terras spectantibus, vel sibi et hæredibus suis de dictis terris spectare valentibus quomodolibet in futurum, in manibus Religiosorum Virorum Abbatis et Conventûs Monasterii de Paisleto, ordinis Clumacensis, Glasguensis Diocesis, à se et hæredibus suis in perpetuum. Et dicti Abbas et Conventus assedabunt suo sigillo communi Capituli sui, et etiam sub sigillo ipsius Abbatis, dictas terras de Fulton cum curiis, et omnibus aliis libertatibus,

libertatibus, secundum quod eas ante habuit, salvâ tamen resignatione fundi et tenementi principalis dicto Willielmo Urry, pro tempore vitæ suæ tantum, pro octo Marcis usualis monetæ regni Scotiæ solvendis annuatim, per æquales portiones, ad duos anni terminos, viz. ad Festa Pentecostes, et Sancti Martini in hiemi, Abbati et Conventui ante dictis. Et insuper, dictus Willielmus Urry renunciavit, coram dictis Abbate et Conventu, omnibus evidentiis, literis, chartis, sive indenturis, quas de dictis terris qualitercunque habuit, et si de ipsius terris aliquas evidencias in posterum in suâ custodiâ vel alibi reperire, vel habere poterit, eas deliverabit dictis Abbati et Conventui, sine fraude, dolo, vel cavillatione quâcunque. Ad quod etiam fideliter faciendum, idem Willielmus Urry eisdem Abbati et Conventui juramentum præstitit corporale. *Ad hujusmodi vero Resignationis testimonium et fidem firmiorem, dictus Willielmus Urry sigilla*

A. *istorum Dominorum sequentium, viz., Nobilium virorum Johannis Sympill Domini Ellynston, Domini Roberti de Maxwell, Militis, Domini de Calderwood, et Johannis Wallas, Domini Ellerslie, huic præsent*

B. *instrumento apponi cum instantiâ procuravit. Super quibus omnibus et singulis, dicti Abbas et Conventus petierunt sibi fieri publicum instrumentum, vel*

C. *publica instrumenta, à me Notario Publico infra scripto. Acta sunt hæc apud dictum Monasterium de Pasfileto, in Ecclesiâ, ad magnum altare, anno die, mense, Indictione, et Pontificatu supra dictis, præsentibus dictis Johanne Senescallo de Castelmilk, Johanne Sympil, Domino Ellynston, Domino R. Maxwell*

*well, Domino de Calderwood, Johanne Wallas El- D.
lerlie, Thomá de Crawford de Auchinnamis, Johan-
ne Logan Restalrig, Magistro Christophero Townin-
fret, et Domino Waltero Brucii, Reſtore et Vicario
eccleſiarum de Crawford, et de Kilpatrick, Glasgu-
encis Dioceſis, teſtibus ad præmiſſa vocatis ſpecialiter
et rogatis.*

Et ego Johannes de Hawke Præſbiter, Glasgu-
encis Dioceſis Publicus autoritate Imperiali No-
tarius, dictis Reſignationibus ſic factis, omnibuſque
aliis et ſingulis dum ſic ut præmittitur agerentur et
fierent, unà cum prænominatis teſtibus, *præſens
interfui, eaque fieri vidi, audivi, et in notam recepi.*
Et hoc præſens Publicum Inſtrumentum, propriâ
manu ſcriptum, inde confeci, publicavi, et in hanc
publicam formam redegi. Hic me ſubſcripſi, ſig-
noque meo ſolito ſignavi, unà cum appenſione ſigil-
lorum Dominorum ſupradictorum, rogatus et re-
quiſitus, in fidem et teſtimonium omnium præmiſ-
ſorum, unà cum appenſione ſigilli ejuſdem Williel-
mi Urry.

The above is the copy of the reſignation to the
Abbot and Monks of Paisley referred to in p. 103.
As the paper was a legal inſtrument, I was unwil-
ling to rely wholly on my own judgment concern-
ing it, and, for that reaſon, laid it before a learned
friend, whoſe acquirements as a ſcholar, and whoſe
reputation as a lawyer, are equally diſtinguiſhed,
requeſting that he would ſhortly ſtate to me his
opinion, in writing, on the ſubject; which he ac-
cordily did as follows.

“ I have attentively examined the resignation of
 “ the lands of Fulton to the Abbot and Monks of
 “ Paisley, as also Mr Andrew Stuart’s remarks on
 “ that document. I know that of the papers in
 “ the Advocates Library transcribed by the re-
 “ spectable Father Hay, several of the originals
 “ have perished ; and that the charters of the Ab-
 “ bey of Paisley are among the number. But,
 “ from the known accuracy and fidelity of the co-
 “ pies of such as remain, no doubt has ever been
 “ entertained, that the same character was equally
 “ due to the transcripts of such as are lost.

“ In regard to the objections made by Mr A.
 “ Stuart in his book (p. 330, 331.), there seems to
 “ me to be nothing wanting in the instrument, to
 “ which the word *dictis* should refer. As deeds
 “ of this nature are not always written with the
 “ strictest grammatical precision, the word *dictis*
 “ may have either been inserted *per incuriam* of
 “ the original writer ; as three of the persons here
 “ enumerated as witnesses had been before na-
 “ med : Or, it may have been put in by the tran-
 “ scriber, who, seeing a number of names in the
 “ last clause that occurred, had, without compa-
 “ ring the two clauses, judged that the witnesses
 “ were all again repeated ; and as, in such cases,
 “ it was usual to introduce a second repetition by
 “ *dictis*, it would fall very naturally from his
 “ pen.

“ The supposition made by Mr A. Stuart that
 “ the word *dictis* proves a part of the instrument
 “ to be omitted, appears to me absurd. There is
 “ nothing

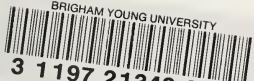
“ nothing like a *chasm* in any part of the instru-
 “ ment. But, even upon his own supposition that
 “ a part is omitted, this part must have mention-
 “ ed *Johannes Senescallus de Castlemilk*, which
 “ would only be the more *complete* evidence that
 “ such a person did then exist. His second pro-
 “ bability, that if this omitted part could be sup-
 “ plied, it might lead to a discovery that John
 “ Stuart de Castlemilk was not the proper John
 “ Stuart de Castlemilk, seems to me the very
 “ height of absurdity !

“ In short, I am of opinion, that the evidence
 “ furnished by Urry’s resignation would be held,
 “ even in law, a complete *presumptive* proof of the
 “ existence of John Stuart of Castlemilk in 1409,
 “ which could not possibly be redargued, unless
 “ by a *positive* proof (by charter for example)
 “ that the lands were then the property of some
 “ other person.”

THE END.



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